THE UNITED NATIONS AND

CRIME PREVENTION AND CRIMINAL JUSTICE

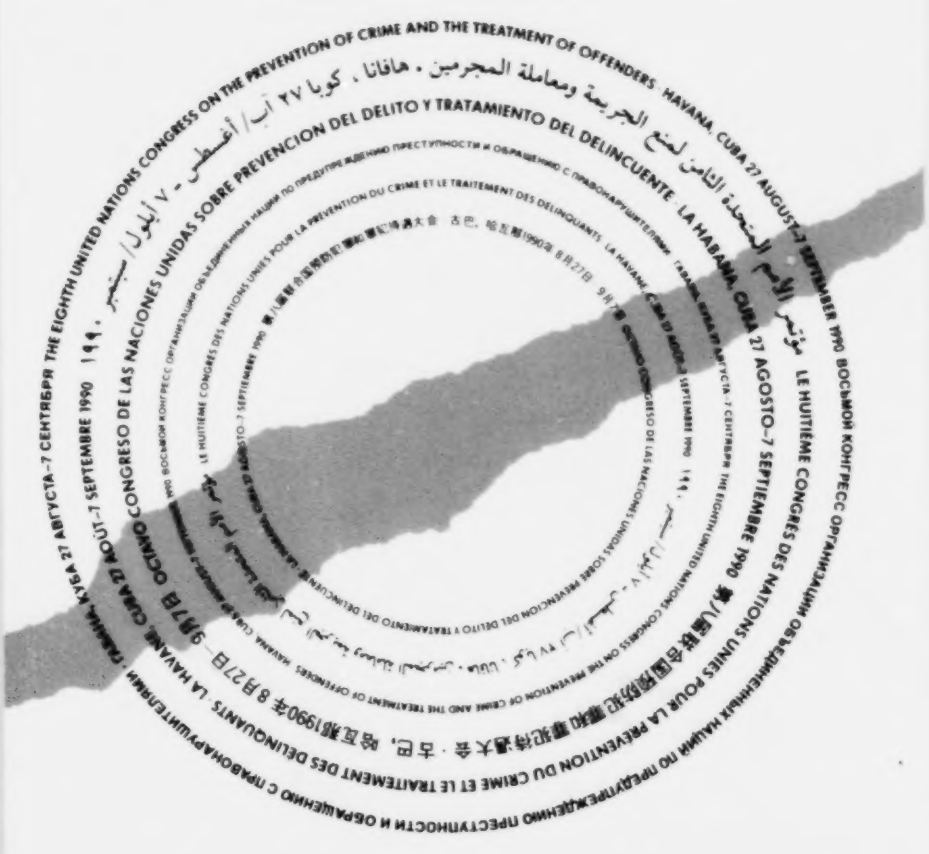
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TABLE OF CONTENTS

I. Introduction 3

II. United Nations Congresses on the Prevention of Crime and the Treatment of Offenders 15

III. The United Nations system and crime prevention and criminal justice 29

IV. United Nations Institutes 38

V. Technical co-operation and advisory services 48

Appendix:
United Nations standards, guidelines and international instruments 57

READEX FICHE

Preface

Serious crime is an exceptionally severe problem in the majority of the nations of the world. Domestic crime has outstripped the control of most individual nations and transnational crime has accelerated far beyond the current reach of the international community. Crime is a particularly serious impediment to harmonious development. It dissipates or misdirects the gains of economic growth and impairs the quality of life. Crime threatens the safety, well-being and personal integrity of us all.

Modern methods of transport, communications and transfer of monies have not only created the conditions for the internationalization of business and other endeavours, but they have also created the conditions for the internationalization of crime. Crime by organized criminal groups has expanded to alarming proportions, with particularly serious consequences in terms of physical violence, intimidation and corruption of public officials. Terrorism has claimed tens of thousands of innocent victims. Predatory trafficking in addictive narcotics has become a world-wide tragedy. Criminally reckless environmental destruction has taken such alarming forms and dimensions that it has become recognized as a crime against the world itself.

Effective international co-operation is necessary to help countries in dealing with problems of national and transnational crime. Nations can learn from the experience of others, both positive and negative, in attempting to meet the difficulties posed by crime.

Crime prevention and criminal justice issues have been a concern of the United Nations since its early days. In fact, one of the purposes of the Organization, as stated in its Charter, is to "achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for

human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion".

In 1950, the United Nations assumed global responsibility in the field of crime prevention and the treatment of offenders by officially taking over the functions of the International Penal and Penitentiary Commission (IPPC), an intergovernmental organization established in 1875. These functions include the convening of quinquennial international congresses, as well as the formulation of policies and programmes of international action in this field.

The growing transnational dimensions of crime and the resulting need to strengthen and improve international co-operation against it are priority issues for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Havana, Cuba, from 27 August to 7 September 1990.

The present publication, containing a comprehensive overview of the work of the United Nations in the field of crime prevention, is issued in preparation for the Congress. It may be useful as a source of reference about the United Nations system and programme in crime prevention, criminal justice and the treatment of offenders.

INTRODUCTION

Systems of criminal justice have been in existence since the dawn of human civilization. Clay tablets from 2400 B.C. listing a code of conduct have been unearthed at an archaeological site in Syria. A more elaborate set of laws was developed in the twenty-first century B.C. under the Third Dynasty of Ur in ancient Sumeria, eventually to be superseded by the Code of Hammurabi of the seventeenth century B.C.

In many places in the world for much of the span of history, however, criminal justice was handled more informally. An assault on the person or rights of an individual was often regarded as a private matter, to be settled by the contending parties or their families. Violations of political authority or social or religious norms frequently resulted in wholesale sanctions against a group—a tribe, kinship network or commune. Customary mechanisms for resolving disputes persist even today in some areas of the world, especially Africa, based on restitution and the restoration of social harmony rather than an adversarial courtroom procedure.

Outlaws

One commonly used sanction for serious offences was exile. The offending party or parties were driven away from the community, stripped of their rights and deprived of the support of their kin. Exile was among the social mechanisms that led to the existence of the outlaw—someone who lives outside the bounds of legal convention. Outlawed individuals tended to join together in bands that provided their own rugged forms of mutual protection and regulation of rights. Out of necessity, they based themselves at the fringes of the settled portions of the world. Bandits took to the hills and mountains, swamps and jungles; buccaneers flying their own flags plied the high seas and ruled over isolated islands. Banishment and exile continued into relatively modern times, and were responsible for colonial settlements of prisoners from European nations in North America and Australia.

Outlawry has provided the world with an array of colorful figures, widely celebrated in lore and legend. The reputations of selected brigands were enhanced by the perception that they had been outlawed due to political persecution or the skewed workings of a biased system of justice. But for every Robin Hood who may have stolen from the rich and given to the poor, there were a greater number who preyed on the defenceless poor for their own enrichment. Certainly, those who were victimized failed to appreciate the swashbuckling charisma of outlaw leaders. More generalized social costs were exacted by the restrictive effect of brigandage on economic development. Banditry on land and on the seas discouraged travel and commerce and undercut the efforts of farmers, herdsmen and artisans to establish a secure livelihood.

Outlaws continue to operate in the contemporary world, and they still take advantage of isolated terrain. Processors and traffickers of illicit drugs maintain base areas in the mountains and rain forests of several continents, and pirates prey on shipping and boatloads of refugees. The range of organized crime, however, has been extended in recent centuries to include sophisticated networks operating at the heart of the big cities. The sale of addictive drugs, fencing of stolen goods, illegal gambling, prostitution, extortion and loan sharking are run as business ventures, and public officials routinely are corrupted. Criminal groups operating on a large scale and reaping tremendous profits are able to utilize the latest techr ology and mimic military and corporate organizational structures. In many cases, their capabilities outstrip those of the forces of social control.

Criminal justice at the international level

The recent centuries have also seen the widespread appearance of national States and national Governments, and with them the codification of laws defining criminal behaviour at the national, state/provincial and municipal levels. Complex, large-scale systems of police forces, courts and prisons

were appearing in the major cities by the nineteenth century. The implementation of internationally applicable guidelines for criminal justice is at a more tentative stage.

Efforts in this direction have been made at various times in history. Roman law was applied within an empire that covered most of Europe and parts of Africa and the Mideast. Regulation of social conduct incorporated in Islamic law spread to lands spanning three continents and continues to serve as an important element of the judicial systems of several countries. The Declaration of the Rights of Man encapsulated the ideals of the French Revolution and attempted to formulate universal standards for the protection of individuals and property. But these systems grew from particular political régimes and cultural conventions, and lacked the world-wide consensus required of a truly international approach to the control and prevention of crime.

One of the earliest forms of co-operation between sovereign nations in the field of law enforcement involved efforts to control piracy on the high seas. By the nineteenth century, the growth in urban crime and the consequent proliferation of reformatories and penal institutions became matters of widespread concern. A series of conferences in Europe, of which the most notable was the First International Congress on the Prevention and Repression of Crime, in London in 1872, brought together experts and professionals from various countries to compare notes on criminal justice techniques. The issues under consideration included the proper administration of prisons, possible alternatives to imprisonment, modes of rehabilitating convicted criminals, treatment of juvenile offenders, extradition treaties and the "means of repressing criminal capitalists"—questions that continue to challenge scholars and practictioners more than a century later.

At the close of the London Congress, the International Prison Commission (IPC) was formed, with a mandate to collect penitentiary statistics, encourage penal reform and convene ongoing international conferences.

The formation of the League of Nations in 1919 and the Permanent Court of International Justice (popularly known as the World Court) in 1920 broke new ground in promoting standards of international justice. Galvanized by the cataclysmic breakdown of international order that led to World War I, the founders of the League sought to regulate the conduct of States in a manner roughly analagous to the regulation of individual behavior by traditional criminal and civil law. The IPC established an affiliation with the League of Nations and held conferences in European capitals every five years between 1925 and 1935 (at the last conference, its name was expanded to the International Penal and Penitentiary Commission, or IPPC).

The League of Nations foundered on the rocks of global conflict culminating in World War II, and so did the IPPC. When the United Nations was formed after the close of the War, it was decided that the control and prevention of crime would be among its areas of concern. It declined, however, to accept affiliation with the IPPC, and for understandable reasons. Despite 75 years of invaluable work and collection of research materials, the Commission's reputation was tarnished after its 1935 conference, which was held at Berlin and was dominated by adherents of the Nazi Government in power in Germany. During the war years a substantial part of funding for the IPPC came from the Axis powers, and the Commission all too frequently served as a publicist for Fascist theories on the biological roots of crime and draconian measures for its control. An agreement was reached, approved by General Assembly resolution 415 (V) on 1 December 1950, to dissolve the IPPC while incorporating its functions and archives within the operations of the United Nations. The International Penal and Penitentiary Foundation, its successor, administers the organization's funds and organizes international symposia.

As the United Nations painstakingly built up world confidence in the advantages of international co-operation, its mandate grew, and so did the scope of its concern with crime and crime control. First of all, there was a determination to carry

forward the efforts of the League of Nations to place the conduct of States under the rule of law. Secondly, the UN began to set basic standards against which States could assess their own practice in criminal justice, both to ensure respect for human rights, and to improve efficacy in controlling crime. In this regard, it built on the previous efforts of the IPPC as well as on studies and declarations on prostitution, the traffic in persons and juvenile delinquency issued under the League of Nations. In following decades, the UN called for criminal sanctions against practices largely ignored by traditional statutes: wilful damage of natural environments; transnational organized crime and terrorism; destruction or unauthorized transfer of national archaeological treasures; harmful negligence of business corporations; and crimes against the peace and security of mankind.

The congresses and conferences of the United Nations reflected a growing awareness of the structural causes of crime and the need for measures to alleviate economic and social conditions that foster criminal behaviour. The corollary to this notion is awareness that crime is an impediment to viable economic and social development. It diverts energies and resources from constructive endeavour, degrades individuals through drug trafficking and drug abuse, corruption and prostitution, places large sectors of economic activity outside the regulation of States and beyond the reach of tax collectors, and through corruption of public authorities undercuts the credibility and efficacy of Governments. The UN accordingly has promoted more effective strategies for incorporating planning for crime prevention and criminal justice within overall social and economic development planning.

UN congresses on crime

The United Nations was barely ten years old when the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders was convened in 1955 at the Palais des Nations in Geneva. In comparison with later UN convocations on crime and crime control, the concerns of the First

Congress were relatively narrow. They focused on two areas that had been mainstays in the deliberations of the old IPPC and had acquired updated significance: the treatment of offenders and juvenile delinquency. Cruel and inhuman treatment of those held in the custody of criminal justice systems has been a blight on civilization throughout history, but was a particularly poignant issue in the aftermath of World War II, while memories of barbarities meted out in Fascist prisons and concentration camps were still fresh. In the unsettled years following World War II, anxiety about lawlessness among young people was reflected in countless studies, novels, movies and television documentaries.

Concentrating on these two issues, as well as renewing the interest of the IPPC in standards for prison personnel, the recommendations of the First Congress also set precedents for broader initiatives over the succeeding years. The 95 Standard Minimum Rules for the Treatment of Prisoners drafted by the Congress and later approved by the Economic and Social Council of the UN paved the way for future recommendations for international standards in crime control, as well as other social and economic arenas. Over the years, moreover, the Rules have had a cumulative impact on the practices of Member States. Exploration of the problem of juvenile delinquency directed attention to the rectification of social inadequacies that opened the way for criminal behaviour and towards a more holistic understanding of the causes and effects of crime.

In accord with resolution 415 (V), the United Nations continued the IPPC practice of convening congresses every five years. The Second through Seventh Congresses were held, respectively, in London in 1960, Stockholm in 1965, Kyoto in 1970, Geneva in 1975, Caracas in 1980 and Milan in 1985. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders is to take place from 27 August to 7 September 1990 at Havana.

Crime and crime control in the 1990s

Delegates to the Havana Conference will face a challenge of imposing dimensions. United Nations statistics show a steady increase in criminal activity world-wide in the 1970s and 1980s and project continued growth in the 1990s. The number of recorded crimes jumped from about 330 million in 1975 to nearly 400 million in 1980 and is expected to reach half a billion in 1990. Between 1970 and 1980 the number of reported frauds, thefts and homicides jumped dramatically, with the most striking increases taking place in the more developed nations. The world-wide incidence of assaults skyrocketed, from a little over 150 per 100,000 population in 1970 to nearly 400 per 100,000 population in 1990. So did the incidence of thefts, going from slightly over 1,000 per 100,000 to close to 3,500 per 100,000 in the same period. The upward lurch of crime statistics continued through more recent years in a major industrialized nation, which reported the number of violent crimes per 100,000 growing from 498 in 1978 to 610 in 1987.

Not unexpectedly, there was also an increase in the number of adults held in legal detention world-wide, from a little under 1,000,000 in 1975 to over 1,100,000 in 1980. In a major industrialized nation, the number of prisoners serving sentences for major criminal infractions stood at a little over 116,000 in 1950 (11.4 per 100,000 population); by 1987 there were more than 557,000 in prison (16 per 100,000). The increase in prison populations adds weight to UN proposals that alternative, non-custodial sanctions be applied to a wider range of offences.

Imprisonment, if it meets minimal standards of human rights and dignity, is an expensive proposition, one that does not always return maximum value as either a deterrent or a means of rehabilitation.

The monetary costs of the operation of crime prevention and criminal justice systems are substantial. A United Nations

survey of crime released in 1990 shows that the more highly developed countries expend an average of 2 or 3 per cent of their budgets on crime control. In the developing countries, an average of 9 to 14 per cent of national budgets is consumed.

The indirect costs of crime include the consequences borne by other members of society who are not usually perceived as victims. Some indirect costs are exceedingly difficult to quantify in monetary terms, such as emotional pain suffered by family members and friends. Others are more susceptible to measurement, even though it can be taken only roughly. Witnesses have to spend hours or even days involved in police investigations and in court proceedings. Consumers have to pay higher prices as a result of crimes directed at businesses. Property owners face increased insurance premiums as the calculated risks of theft, arson and other crimes increase. Enterprises unable to afford increased premiums are left without financial protection and thus driven out of business or left vulnerable to catastrophic financial loss. Persons made apprehensive by criminal activity are induced to expend their savings on security devices and services. Citizens find themselves subject to higher taxes to cover the shortfall caused by tax evaders.

A leading concern as the world moves into the final decade of the twentieth century is the traffic in illicit drugs. Growth in sales and use of cocaine has been the most frightening development in this field in recent years. Cartels with intercontinental reach have developed the sale of cocaine and its cheap, highly potent derivative, crack, into a multi-billion-dollar illicit industry. Throughout the past decade, the stability of a number of Governments has been undermined by cocaine combines, and the rule of law called into question. Yet other illicit substances warrant as much concern as cocaine. Opium, morphine, heroin and other habit-forming narcotics derived from the poppy flower continue to be illicitly processed and trafficked on a large scale. A host of "designer drugs" and synthetically produced stimulants and psychotropic substances are reaching the market. As these can be produced in a

laboratory, and do not have to be cultivated in open fields, they ultimately may pose a tougher challenge to law enforcement agencies than cannabis (marijuana), cocaine, opium and other drugs derived from plants. In any event, most law enforcement officials are of the opinion that their efforts will prove futile if there are not world-wide advances in programmes to prevent drug abuse and treat addiction.

The criminal activities of processing and trafficking such substances lead to a multiplied number of related crimes, deriving from internecine warfare between organized crime contingents as well as the reckless or desperate actions of users. In one leading drug-producing country, the number of drug-related crimes rose from an average of 12 cases a year in the 1960s to 6,183 reported cases in 1987. The multiplier effect is if anything more severe in areas of high consumption of illicit drugs. A recent study of the metropolitan areas of a major industrialized nation found that roughly 50 per cent of those arrested on the street had one or more drugs in their systems immediately following police detention.

The drug trade is one of many fields of opportunity for organized crime. Like their legal counterparts, criminal enterprises diverisfy operations, make use of modern technology and establish transnational combines. They have infiltrated government agencies and legitimate businesses and utilized the international banking system to launder and reinvest profits. The traffic in illicit drugs by itself is estimated to total $500 billion a year. Major trafficking combines can literally outspend and outgun the Governments of small nations, and so far have been able to stymie the interdiction and law enforcement efforts of the industrialized countries. To meet the challenge, law enforcement networks around the world are obtaining greater access to bank records, obtaining powers to seize the financial proceeds of criminal activities and extending cooperation across national borders.

The intertwined expansion of transnational organized crime and the traffic in illicit drugs provides the most powerful argu-

ment to date for international co-operation in the criminal justice field. The production and sale of addictive drugs is perhaps the most internationally integrated industry in the world and, after the production and sale of armaments, the largest and most profitable. The distinction between producing and consuming countries is increasingly breaking down, as production of synthetic drugs takes place in industrial nations and those where illicit drugs are harvested are feeling the effects of addiction and lawlessness among their own populations. The causes of the drug trade as well as the toll it takes are shared by the countries of the world, and the imperviousness of trafficking organizations to traditional control methods indicates that the means of moving towards a solution will also have to be shared internationally.

Another problem calling for increased international co-operation is that of transnational terrorism. The frequency, geographical scope and lethal impact of terrorism have increased in recent years. In the opinion of experts, it is not likely to diminish in the near future unless more effective security measures and international co-operation are established. Particularly ominous for the world community is the trend toward linkages of trafficking in illegal drugs, organized crime and terrorist groups. The terrorists take advantage of their armed capabilities and familiarity with clandestine operations to share in trafficking operations run by crime organizations or receive payments in return for handling security.

The drug trade has exacerbated problems in another arena of international concern, juvenile delinquency. The young are particularly vulnerable to the temptations of drugs, and drug abuse is a major factor, although certainly not the only one, promoting marginalization from society and criminal activity. Although some nations have reported no significant increase in juvenile lawlessness, many countries have, and they are found among several continents and the most developed and less developed nations alike. An especially disturbing trend is the apparently earlier onset of delinquency; ages 13 and 14

are increasingly those when habitual drug use and criminal offences begin. Factors in addition to drug abuse that are indicated as contributing to delinquency include the breakup of traditional family structures; tumultuous social change or civil strife; instability brought on by migration from the countryside to the city; and high rates of unemployment among teenagers.

Crimes of violence are not limited to street assaults and gang warfare. A great many occur within domestic households, and the victims are almost always women and children. Physical abuse of women behind closed doors is an age-old problem, but largely ignored as a societal concern or criminal justice issue until relatively recently. The roots of the problem are clearly structural, relating to ingrained notions about the lesser status of women as well as stress brought on by psychological, social and economic pressures. While working to alleviate the causes, it is clear that legal mechanisms offering protection and compensation to women who are physically abused are of immediate importance.

New technologies have opened the way for new forms of crime, or old ones with a new twist. Many intertwine issues relating to economic development and criminal justice. The proliferation of computers and computer networks, for example, has expanded the possiblities for fraud and so-called "white-collar crimes". Use of large-scale-technologies agriculture at times produces results which can be said to be criminal: confiscation of tribal lands, frustration of land reform efforts or poisoning of farm labourers by chemical insecticides. Awareness of the fragility of the natural environment has risen rapidly, if belatedly, in the last few years, and so has the understanding that wilful destruction of environmental resources constitutes a serious offence. Yet many nations staggering under the burden of foreign debt see the rapid development of wilderness areas as expedient to recouping financial liquidity and providing jobs for local populaces. These are among the complex questions of criminal justice policy that face the international community in the 1990s.

A larger, overarching question involves locating a balance between the twin exigencies of crime control and justice. On the one hand, improvement is called for in protecting the rights of those accused or convicted of crimes, with the ultimate goal of eliminating arbitrary arrest and detention, corrupt or biased courts and brutal treatment of offenders held in the custody of criminal justice systems. On the other hand, recent United Nations Congresses have stressed the rights of victims of crime to protection under the law and, in some situations, to redress or restitution. Effective law enforcement and a fair criminal justice system are a bulwark protecting the rights of people to a secure existence and to develop their economic and social potential. At the fulcrum of these two arms of policy action is crime prevention. The incorporation of countermeasures to criminal behaviour into social development programmes offers a long-term hope for bringing the scourge of crime under control.

UNITED NATIONS CONGRESSES ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

General Assembly resolution 415 (V) of 1 December 1950, which absorbed the International Penal and Penitentiary Commission (IPPC) into the United Nations, also called for convening international congresses on criminal justice every five years. The tradition of quinquennial congresses was established by the IPPC (formerly the IPC), which held such gatherings every five years between 1885 and 1910 and between 1925 and 1935.

The United Nations crime congresses bring together representatives of the world's national Governments, specialists in crime prevention and criminal justice, scholars of international repute and members of concerned non-governmental organizations (NGOs). They are enjoined to discuss common problems, share experiences and seek viable solutions to crime. Their recommendations are intended to impact on the legislative bodies of the United Nations—the General Assembly and the Economic and Social Council—and on national and local Governments.

The First Congress

Five hundred and twelve participants met at the Palais des Nations at Geneva, Switzerland, in 1955 to convene the first crime congress. Their credentials were strong enough and their backgrounds sufficiently diverse to lend credibility to this fledgling attempt at international co-operation in criminal justice policy. There were delegates from 61 countries and territories, representing 51 Governments; from international organizations such as the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO), the Council of Europe and the League of Arab States; and from 43 NGOs. Nearly half were scholars and policy-makers, present in their individual capacities.

At this Congress, held at the heart of the European continent, the nations of Europe fielded the greatest number of governmental delegations. This was a consequence of the international situation in 1955—half the world's territories were not independent. The topics of the first Congress likewise reflected the pressing concerns of Europeans, who had just emerged from the ravages of World War II. There was an urgent need to set standards for the treatment of prisoners, whose numbers were swelling due to the turmoil of the war and post-war years. The poignant and bewildering question of how to respond to juvenile delinquency, which was taking root among youngsters growing up in rubble-strewn streets, often without fathers, was another focus of attention.

Consideration of the proper functioning of penal institutions led to the drafting and adoption by the Congress and subsequent approval by the Economic and Social Council of the 95 Standard Minimum Rules for the Treatment of Prisoners, an expansion of a less comprehensive bill of rights for persons in legal custody that had been drafted by the IPC. Whatever the extent of their crimes, it was felt, prisoners are entitled to human dignity and minimal standards of well-being. This conviction was especially strong among the many delegates present who, during the World War II occupation of countries by Fascist powers, experienced brutality and deprivation while incarcerated. The carefully thought out, comprehensive provisions of the Standard Minimum Rules and the broad representation of national and professional viewpoints incorporated in them exerted a strong moral suasion that over the years has brought improvements to prisons around the world. Its provisions frequently are cited by prisoners protesting substandard conditions. The success of the Standard Minimum Rules paved the way for many other international models, standards, norms and guidelines touching on every aspect of criminal justice and set a precedent for United Nations initiatives to humanize the administration of criminal justice by universal principles universally agreed on by the world community.

Other matters relating to the operation of penal institutions considered by the First Congress included recommendations for the selection, training and status of prison personnel, possibilities for "open" penal and correctional institutions and the proper use of prison labour.

Discussion of the prevention of juvenile delinquency attracted the greatest number of participants at the First Congress. Juvenile delinquency was treated as a broad category under which problems relating to youthful offenders as well as abandoned, orphaned and maladjusted minors were dealt with. Prevention was deemed to be the operative concept, and the problem was analyzed in terms of its social, economic and psychological causes.

The Second Congress

At the invitation of the Government of the United Kingdom of Great Britain and Northern Ireland, the Second Congress was convened in London in 1960. Selection of this venue initiated the practice of holding the Congresses away from the United Nations Headquarters facilities and bringing them to various parts of the world. Increased participation reflected the growth of the United Nations and burgeoning additions of newly independent nations to the world community. Representatives of 70 Governments were in attendance, along with delegates from 50 NGOs and, in addition to the international bodies involved in the First Congress, the Commission for Technical Assistance in Africa South of the Sahara. All in all, there were 1,131 participants, 632 of whom attended as individuals. The large percentage of attendees representing NGOs or chosen because of their scholarly credentials reflected the prevailing view that scientific and social analyses were required to come to grips with the complex problems at hand.

Certainly, the range of issues under consideration was wider than those dealt with by the First Congress.

Once again, juvenile delinquency was on the agenda. Under study were newly emerging forms of delinquency, their origin, prevention and treatment; the possibilities of special police forces for the prevention of youthful offences; and the impact of the mass media on the problem. Debate posed supporters of broad treatment programmes for all manner of youthful maladjustments against those who perceived a distinction between the maladjusted and young people who commit crimes for more straightforward reasons. Proponents of the latter view argued that not all delinquents are socially deprived; moreover, no one, juvenile or adult, is perfectly adjusted in every respect. The outcome of the debate was a recommendation that the concept of juvenile delinquency should be restricted to violations of criminal law, excluding vaguely anti-social postures or rebellious attitudes which are widely associated with the process of growing up.

The addition of new Member States to the United Nations required expansion of the largely European perspective that dominated the First Congress. This led to a precedent-setting analysis of crime and criminal justice in relation to overall national development. Two general reports were submitted to the Second Congress on the "Prevention of Types of Criminality Resulting from Social Changes and Accompanying Economic Developments in Less Developed Countries", one prepared by UN consultants J. J. Pankal of India and A. M. Khalifa of Egypt, the other by the UN Secretariat. They examined the relation between socio-economic development and crime prevention in light of available data on demography, the environment, economics, culture, town planning, industrialization and migration. The Secretariat's report recommended building criminal justice systems by connecting rational planning, social policy and the problem of crime. It was asserted that social breakdown generally precedes the creation of new social codes and values, and that orderly social change is not easily achieved.

Precipitous changes in economic and cultural terrains, the delegates realized, are not limited to newly independent nations. Discussion of the relation between development and

crime therefore was extended to conditions in the developed countries as well. Economic improvement, experts warned, is not a one-way street leading away from crime. Tumultuous economic growth can lead to a greater prevalence of crime as surely as economic recession.

The Third Congress

The Third Congress convened at Stockholm, Sweden, in 1965. It was addressed to the ambitious theme of "Prevention of Criminality". The work of the Congress was propelled to a large extent by the enthusiasm of the Swedish hosts, who had embarked on a comprehensive national experiment in crime prevention. Topics on the agenda included a continuation of the discussion on social change and criminality; social forces and the prevention of crime; community-based preventive action; measures to curtail recidivism; probation policies; and special preventive and treatment programmes for young adults, who constitute the most crime-prone sector of the population.

Under the headings of "social change" and "social forces", the effects of urbanization, public opinion, education and migration were dealt with. There was also a specific recommendation to improve the value of studies of criminality through more meticulous official records on offenders.

Seventy-four Governments, 39 NGOs and all of the specialized agencies attending the previous Congress were present in Stockholm. The total of participants reached 1,083, of whom 658 represented non-governmental bodies. The presence of representatives from a still-increasing pool of newly independent nations was a palpable force. It was reflected in the assertion that developing nations should not restrict themselves to mechanically copying criminal justice institutions developed in Western countries. The hope was expressed that the developing nations would be able to head off by dynamic action in the mental health field many of the phenomena of mental disorders that beset the more developed parts of the world.

The Fourth Congress

Set in the city of Kyoto, once the capital of ancient Japan, the 1970 Congress was the first to take place outside of Europe. The number of participants declined slightly, to 1,014, but the number of Governments represented jumped to 85.

The Fourth Congress was convened under the slogan "Crime and Development". Its conclusions centred around the need for crime control and prevention measures—referred to as "social defence policies"—to be built into the development planning of nations. The groundwork for much of the discussion had been laid by a set of working papers prepared by the Secretariat and WHO and by reports of an *ad hoc* group of experts. These stated that a major challenge for planners was how to deal effectively with various aspects of development so as to achieve economic growth and higher living standards while at the same time curtailing crime and delinquency. On the other hand, it was emphasized that the promotion of social and economic integration as a solution to criminality might give the public the dangerous impression that crime control involved little more than provision of social services.

A theme touched on in the Third Congress, community-based prevention, was expanded on in the Fourth. The positive contributions of public participation to crime prevention and control were explored. The utilization of civic involvement was a strategy which the host nation of Japan had applied with remarkable success.

The Congress also investigated the nation-by-nation implementation of the Standard Minimum Rules for the Treatment of Prisoners, relying on results of a questionnaire previously submitted to Member States.

The organization of research as a tool of social defence policy came under scrutiny. A consensus supported the eminently

sensible view that the primary object of research was the identification not of the causes of crime *per se*, but of factors that can be applied to planned action.

The Fifth Congress

In 1975, the Congress on the Prevention of Crime and the Treatment of Offenders returned to Geneva, site of the First Congress. The number of nations represented again increased, to 101, and the participation of specialized agencies was augmented by the presence of Interpol, the IPPC and the Organisation for Economic Co-operation and Development (OECD).

The theme of the Fifth Congress was "Crime Prevention and Control: the Challenge of the Last Quarter of the Century". Under this forward-looking rubric, the Congress treated a larger number of specific concerns than ever before. They included:

- changes in the form and dimensions of criminality, at national and transnational levels
- crime as a business and organized crime
- the role of criminal legislation, judicial procedures and other forms of social control in the prevention of crime
- the addition of crime-prevention activities and related social services to traditional law enforcement roles of police and other law enforcement agencies
- treatment of offenders in custody or in the community, with special reference to implementation of the Standard Minimum Rules
- economic and social consequences of crime (including the cost of crime) and new challenges for research and planning

- alcohol and drug abuse

- victim compensation as a substitute for retributive criminal justice.

The Fifth Congress was responsible for two notable documents, which stand alongside the Standard Minimum Rules for the Treatment of Offenders as precedent-setting guidelines to criminal justice practices. One was an attempt to eliminate an age-old abuse of power through a "Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". The Declaration was adopted by General Assembly resolution 3452 (XXX) of 9 December 1975, and led to a subsequent convention on that topic. The Congress also paved the way for drafting the "Code of Conduct for Law Enforcement Officials". The Code, which has been called a Hippocratic oath for police professionals, was also adopted by the General Assembly, in 1979.

General conclusions reached by the Fifth Congress dwelt on the crucial role of social justice in preventing crime, the importance of co-ordinating criminal justice programmes within overall national social policy and the urgent need for respect for human rights.

The Sixth Congress

At the invitation of the Government of Venezuela, the Sixth Congress was held at Caracas in 1980. It was the first UN Crime Congress to be hosted by a developing nation and the first to be sited in the Western hemisphere. The widespread interest it evoked among long-established and newly independent nations and national liberation groups was reflected in delegations representing 102 nations, the ILO, WHO, the Council of Europe, Interpol, the League of Arab States, the Organization for African Unity (OAU), the Pan-Arab Organization for Social Defence, the Palestine Liberation Organization (PLO), the South West Africa People's

Organization (SWAPO), the African National Congress (ANC) and the Pan Africanist Congress of Azania.

The theme of the Sixth Congress, "Crime Prevention and the Quality of Life", was elaborated in the first operative paragraph of the Congress' Caracas Declaration: "... the success of criminal justice systems and strategies for crime prevention, especially in light of the growth of new and sophisticated forms of crime and the difficulties encountered in the administration of criminal justice, depends above all on the progress achieved throughout the world in improving social conditions and enhancing the quality of life ..."

The Sixth Congress gave specific consideration to the following matters:

- new trends in crime and the adoption of appropriate crime prevention strategies
- the application of juvenile justice measures before and after the onset of delinquency
- offences by the powerful, who quite often stand beyond the effective reach of the law
- deinstitutionalization of correction measures and the implications for those remaining behind bars
- the role of UN guidelines and standards in criminal justice, from standard-setting to implementation
- capital punishment
- the importance of international co-operation.

Conceptualization of juvenile delinquency, which to some extent had been narrowed by the Second Congress, was again

placed in a broader context. Emphasis was placed not only on the application of criminal sanctions to youthful offenders but also on the provision of social justice for all children, so they would not be driven to offend. The Caracas Declaration addressed the need for standard minimum rules for juvenile justice and further research into the causes of juvenile delinquency.

The items relating to juvenile delinquency were among 19 resolutions and five decisions involving more than one hundred requests for action incorporated in the Caracas Declaration. Among the recommendations were promotion of broader public participation in crime prevention, the improvement of statistics relating to crime and criminals and eradication of the practice of extra-legal executions, deemed a particularly abhorrent crime and abuse of power.

Contributing to the achievements of the 1980 Congress was the "Report of the Working Group of Experts from Latin America and the Caribbean on Criminal Policy and Development". This expert group promoted the inclusion of criminal justice experts on national development planning boards and the establishment in each Member State of a body responsible for ensuring international co-operation. They also came up with an innovative approach to the question of deciding which actions should be classified as crimes. The Working Group argued that the relationship between development and crime favours a two-way process of criminalization and decriminalization of offences. Thus, the scope of criminal law statutes should be broadened to include wilful actions harmful to the national wealth and well-being—offences such as destruction of the ecology and participation in networks for drug trafficking and the trafficking in persons. As a corollary, the Working Group recommended a reduction in the number of statutes covering petty crimes and those of little or no socially destructive effect.

The Seventh Congress

Taking place at Milan, Italy, in 1985, the Seventh Congress was dedicated to the theme of "Crime Prevention for Freedom, Justice, Peace and Development". Delegations from 125 Governments participated, including ministers of justice and the interior, attorneys-general, solicitors-general, prosecutors-general, chief justices of supreme courts, directors of correctional administration and chiefs of police. The expanding purview of United Nations concerns with criminal justice presented the delegates with an imposing agenda: 21 major substantive documents deriving from General Assembly and Economic and Social Council mandates were prepared for the Congress, in addition to previously issued reports of regional and interregional preparatory meetings.

The deliberations of the Seventh Congress were divided into five broad categories:

- Topic I: "New Dimensions of Criminality and Crime Prevention in the Context of Development" continued and updated UN interest in the relation between social development policies and criminal justice systems. Fraud and crime in international commerce and financial transfers was one of the areas under scrutiny.

- Topic II: "Criminal Justice Processes and Perspectives in a Changing World" covered the need to revise, reform or reinforce the workings of criminal justice systems.

- Topic III: "Victims of Crime" addressed the rights of victims of crime and abuse of power, compensation and restitution schemes and means of assisting them through criminal justice systems.

- Topic IV: "Youth, Crime and Justice" extended perennial UN interest in members of the age bracket with the highest percentage of criminal offenders.

- Topic V: "Formulation and Application of United Nations Standards and Norms in Criminal Justice" constituted a review of the value of UN instruments in the criminal justice field and the extent of their implementation among Member States.

  The Seventh Congress produced a bumper crop of recommendations for government and international action. More than 20 resolutions were adopted on issues including terrorism, drug traffic, domestic violence, prisoners' rights, alternatives to imprisonment and technical co-operation among nations. In addition, six major international instruments setting norms and standards were approved by consensus:

- The Milan Plan of Action, calling for a concerted response from the community of nations to address socio-economic factors relevant to the commission of crimes

- Guiding Principles for Crime Prevention and Criminal Justice in the Context of Development

- United Nations Standard Minimum Rules for the Administration of Juvenile Justice

- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power

- Basic Principles on the Independence of the Judiciary

- Model Agreement on the Transfer of Foreign Prisoners and Recommendations on the Treatment of Foreign Prisoners

- Recommendations on the Treatment of Foreign Prisoners.

The Eighth Congress

The site of the United Nations Crime Congress returns to Latin America in 1990. Set at Havana, Cuba, from 27 August to 7 September, the Congress has adopted the theme of "International Crime Prevention and Criminal Justice in the Twenty-First Century".

Preparations for the work of the Eighth Congress were handled by five regional meetings held in 1989. These were staged at Bangkok, under the auspices of the Economic and Social Commission for Asia and the Pacific (ESCAP); at Helsinki, hosted by the Government of Finland and the Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI); at San José, by the Government of Costa Rica and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD); at Cairo, at the invitation of the Government of Egypt; and at Addis Ababa, by the Economic Commission for Africa (ECA).

Each regional meeting concentrated on one major topic, and in many cases prepared drafts of international standards and norms for consideration of the delegates to the Eighth Congress:

- Topic I: Crime and Development
- Topic II: Imprisonment and Alternatives ("Standard Minimum Rules for Non-Custodial Measures")
- Topic III: Organized Crime and Terrorism
- Topic IV: Juvenile Justice ("Guidelines for the Prevention of Juvenile Delinquency"; "Standard Minimum Rules for Juveniles Deprived of Their Liberty")

- Topic V: UN Norms and Standards for Criminal Justice ("Basic Principles on the Role of Prosecutors"; "Basic Principles on the Role of Lawyers"; "Basic Principles on the Use of Force and Firearms by Law Enforcement Officials").

  Looking ahead to the last decade of this century and the beginning of the next, the Eighth Congress is maintaining the UN's traditional portfolio of concerns and dealing with contemporary developments. Among the latter are a growing alertness to the theft of archaeological treasures, the dumping of hazardous wastes in ocean waters, the burgeoning international trade in illicit drugs, the lethal connection between drug abuse and AIDS and the appearance of both among prison populations, and international terrorism. Offering encouragement for the future are new law enforcement techniques—computer networks and provisions for seizing the financial proceeds of organized crime and examining bank records. So is the growing body of information and experience relating criminal justice planning with socio-economic development, although progress in this area is threatened by the international debt crisis and general outflow of capital from the less developed nations. Finally, the lessening of tensions between the Eastern and Western blocs of nations and a growing realization of the devastating impact of transnational crime and drug trafficking offers renewed hope for international co-operation in crime control and crime prevention.

THE UNITED NATIONS SYSTEM AND CRIME PREVENTION AND CRIMINAL JUSTICE

Crime, and the means to prevent it, appeared on the agenda of the United Nations shortly after its founding in 1945. From the beginning, the issue was seen to go beyond the day-to-day contest between criminals and law enforcement agencies. The United Nations Temporary Social Commission took the position that the prevention of crime and the treatment of offenders affected the fabric of society, and therefore were matters for social policy.

The UN's mandate to assist in improving criminal justice systems was linked to the Charter of the United Nations and the Universal Declaration of Human Rights. In the Preamble to the Charter are commitments to economic and social progress:

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person. . ., to promote social progress and better standards of life in larger freedom, and for these ends. . .to employ international machinery for the promotion of the economic and social advancement of all peoples.

Article I of the Charter defines one of the four basic purposes of the United Nations:

To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion.

Article 28 of the Declaration of Human Rights states: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized". Among these rights are, according to Article 3, the "right to life, liberty and security of person".

Article 12 provides: "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks"; Article 17(2) adds that "No one shall be arbitrarily deprived of his property". The import of these provisions cuts in two directions. They posit the right of the people of the world to enjoy domestic tranquillity and security of person and property without the encroachment of criminal activity. At the same time, they predicate efficient criminal justice systems that do not deprive citizens of their rights.

The Economic and Social Council decided in 1948 that the United Nations should take a leading role in setting criminal justice policy world-wide. The General Assembly forwarded this initiative in 1950. In resolution 415(V), it consolidated various UN activities in the field of criminal justice and absorbed previous international efforts, notably those of the International Penal and Penitentiary Commission, which had been in operation since the time of the League of Nations.

Two bodies within the United Nations system bear the most direct responsibility for international efforts towards crime prevention and control: the Committee on Crime Prevention and Control and the Crime Prevention and Criminal Justice Branch. Their distinct but overlapping mandates are made clear by their relation to the Economic and Social Council and the Secretariat. The Economic and Social Council is, after the General Assembly itself, the major legislative and policy-making organ of the United Nations. As the United Nations treats the field of criminal justice as an adjunct of social and economic affairs, the Economic and Social Council appropriately is assigned to supervise relevant policy. The Committee on Crime Prevention and Control, a deliberative body composed of a panel of experts, is a subordinate body of and reports directly to the Economic and Social Council. The Secretariat is the administrative arm of the United Nations, responsible for implementing policy and assisting the other sections of the organization. In the field of criminal justice, the

bulk of the work of the Secretariat is carried out by the Crime Prevention and Criminal Justice Branch.

The Committee on Crime Prevention and Control

The Committee on Crime Prevention and Control (CCPC) is a group of experts in criminal justice matters who function as a subsidiary body to the Economic and Social Council. Based in Vienna, the CCPC is responsible for studying issues of crime prevention and control, making policy recommendations and advising other United Nations organs.

The organizational lineage of the CCPC goes back to the *Ad Hoc* Advisory Committee of Experts, created in 1950 by General Assembly resolution 415 (V). The purpose of this group of seven experts was defined as "devising and formulating programmes for study on an international basis and policies for international action in the field of the prevention of crime and the treatment of offenders". The work of the Committee was later placed on a more permanent basis, and the strengthened body was called the Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders.

This group was replaced by the Committee on Crime Prevention and Control in 1971, as mandated by Economic and Social Council resolution 1584 (L). The founding of the CCPC was a specific response to the recently completed 1970 Crime Congress at Kyoto, which broadened considerably the scope of issues relating to criminal justice policy. The 1970 Congress was also notable for the increased number of nations represented and the intensity of interest on the part of the developing countries. The "Declaration" approved by the 90 nations in attendance noted that "inadequacies in the attention paid to all aspects of life in the process of development are manifest in the increasing seriousness and proportions of the problem of crime in many countries"

and also urged

the United Nations and other international organizations to give high priority to the strengthening of international co-operation in crime prevention and, in particular, to ensure the availability of effective technical aid to countries desiring such assistance for the prevention and control of crime and delinquency.

The first session of the CCPC was held in New York in June 1972, at which Ahmad Khalifa of Egypt was elected Chairman, Inkeri Antilla of Finland Vice-Chairman and José A. Rios to serve as Rapporteur. The members of the original CCPC, as well as those who have served over the intervening years, shared between them a wide range of credentials and experience: prison administrators, government leaders of cabinet rank, judges and chief justices, lawyers, criminologists, sociologists and economists.

Twenty-seven members currently make up the Committee on Crime Prevention and Control, elected to their positions by the Economic and Social Council from among candidates nominated by member Governments. Full sessions of the CCPC are held every other year, although there are a variety of inter-sessional meetings and consultations at the national, regional and interregional levels. In addition to co-ordinating the efforts of United Nations bodies concerned with crime prevention and control, the Committee handles the preparatory work for the international Crime Congresses and frequently drafts proposed texts for international standards and guidelines concerning criminal justice policy.

Crime Prevention and Criminal Justice Branch

The Crime Prevention and Criminal Justice Branch is charged with the formulation of policy options and implementation of United Nations policies at the international level. It fosters standard-setting and the application of UN norms and instruments. The Branch collects and analyzes statistics, conducts studies and prepares reports. It also organizes the quinquennial UN Congresses and services the CCPC and provides

technical assistance to Member States and regional institutes for crime prevention and control.

Staff members of the Crime Prevention and Criminal Justice Branch work to co-ordinate crime prevention and criminal justice activities within the United Nations system. This includes co-operation with other entities, such as the Division of Human Rights, the Division of Narcotic Drugs, the United Nations Fund for Drug Abuse Control, the International Narcotics Bureau and the Office of Legal Affairs. The Branch is based in Vienna, where the meetings of the CCPC are held.

The origin of the Crime Prevention and Criminal Justice Branch is traceable back to the Section of Social Defence, created shortly after the establishment of the United Nations. While the concept of "Social Defence" denoted a school of thought that advocated substituting rehabilitative justice for penal justice, and viewed the prevention of crime and treatment of offenders as part of the "defence" of Governments and societies against antisocial conduct, the term is used by the UN in its more general sense of prevention and treatment.

One of the first activities of the Section of Social Defence was to gather and compile official crime statistics from Member States. Later on, the Section was reorganized and renamed the Crime Prevention and Criminal Justice Section. In 1977, further reorganization placed the Crime Prevention and Criminal Justice Branch under the direction of an Assistant Director who reported to the Assistant Secretary-General of the Centre for Social Development and Humanitarian Affairs. The Centre is part of the United Nations Office at Vienna (UNOV) and now operates under the direction of the Under-Secretary-General, who serves as UNOV's Director-General.

The Branch collects, systematizes, analyses and exchanges international crime statistics. At the core of this effort is a country-by-country survey of crime trends and crime prevention and criminal justice policies. The Branch is currently engaged in establishing a global crime and criminal justice

information network. The Branch is also asked to promote action-oriented research and to study new forms and dimensions of crime, especially transnational crime. In this work, it is aided by a network of hundreds of correspondents from over 100 Member States.

The Branch promotes United Nations international instruments and resolutions in the field of crime prevention and control through public information activities. It works closely with officials of Member States to facilitate implementation of instruments and norms.

The Crime Prevention and Criminal Justice Branch issues two regular publications. *The International Review of Criminal Policy* has been issued once a year or more since 1952. It is the main periodic publication of the United Nations in the area of criminal policy, crime prevention and criminal justice. A journal of applied criminology, it informs the international community on current methods, techniques and approaches that may prove useful in developing criminal justice policy and practice. The *Review* is published in four languages: English, French, Russian and Spanish. The *Crime Prevention and Criminal Justice Newsletter* disseminates information on United Nations activities and policies within the criminal justice field and provides an avenue for feedback from experts and Government officials. It has been published twice a year since 1980.

Subsequent chapters of this book will treat the regional and interregional United Nations Institutes, which are supported by the Branch, as well as the technical assistance the Branch provides to Member States.

Human rights in the administration of justice

Integral to the proper functioning of any criminal justice system is due respect for human rights. The promotion and protection of human rights and fundamental freedoms has been an integral part of the United Nations mission since its founding in 1945. The devastating abuses of human rights

that occurred during the Second World War led to the widespread conviction that protection of human rights is an essential condition of progress, peace and justice.

This principle is manifested in the Universal Declaration of Human Rights, adopted by the General Assembly in 1948, which states in the first sentence of its Preamble: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". The Declaration includes provisions asserting the equality of all persons before the law; banning arbitrary arrest, detention or exile; promoting the right of anyone charged with a penal offence to be presumed innocent until proven guilty by a fair and public trial at which he has had all the guarantees necessary for his defence; and decrying torture and cruel, inhuman or degrading punishment. Pointing to the need for effective crime prevention and control is Article 3, stating that everyone has the right to life, liberty and security of person. Furthermore, the Declaration calls for the protection of law against arbitary interference with the privacy, family, home or correspondence of all persons.

Since the adoption of the Universal Declaration of Human Rights in 1948, the General Assembly has adopted numerous recommendations and conventions regarding human rights. They deal with issues including genocide, racial discrimination, *apartheid*, refugees, stateless persons, the rights of women, slavery, marriage, chlidren, youth, aliens, asylum, disabled and mentally retarded persons, torture, development and social progress. Most items relating to these matters are referred to the General Assembly's Third Committee, which considers social, humanitarian and cultural matters.

The Economic and Social Council of the United Nations is enabled by Article 62 of the United Nations Charter to "make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all". Under Article 68, the Council is given the authority to

"set up commissions in economic and social fields and for the promotion of human rights". The major body established by the Economic and Social Council in this field is the Commission on Human Rights. Since 1946, the Commission has sponsored studies, prepared recommendations and drafted international instruments, assisting the Economic and Social Council in the co-ordination of activities concerning human rights throughout the United Nations system. It has formed working groups oriented to specific varieties of abuses, sent fact-finding missions to specific countries and produced timely reports on summary or arbitrary executions, religious intolerance, massive exoduses and mercenaries.

A number of bodies have been established specifically to help apply United Nations human rights instruments. Among these, two are most directly concerned with human rights abuses in the administration of criminal justice. The Committee Against Torture was formed in 1987 pursuant to Article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It consists of 10 experts elected to four-year terms by States parties to the Convention. The Group of Three Established under the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, comprised of three members of the Commission on Human Rights, is appointed annually by the Chairman of the Commission.

The human rights activities of the Secretariat are concentrated in the Centre for Human Rights. The Centre is located at the United Nations office at Geneva and is headed by the Under-Secretary-General for Human Rights. The Centre also maintains an office in New York at United Nations Headquarters. At the request of the General Assembly in 1988, the Centre for Human Rights was further to develop recently created focal points to monitor human rights aspects in the administration of justice.

The Centre collaborated with the United Nations Children's Fund (UNICEF) in creating a draft proposal for a Convention

on the Rights of the Child. The Convention was adopted by the General Assembly in 1989. Among its provisions are several relating to the administration of justice for minors, stating that when courts deal with children, the best interests of the child shall be given primary consideration and the opinions of the child noted; States shall protect children from physical or mental harm and neglect, including sexual abuse or exploitation; States shall protect children from the illegal use of drugs and involvement in drug production or trafficking; all efforts shall be made to eliminate the abduction of and trafficking in children; capital punishment or life imprisonment shall not be imposed for crimes committed before the age of 18; and children in detention should be separated from adults and must not be tortured or suffer cruel or degrading treatment.

Finally, the United Nations High Commissioner for Refugees and four specialized agencies of the United Nations system—the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the World Health Organization (WHO) and the Food and Agriculture Organization (FAO)—also maintain active involvement in human rights matters. Since 1988, the WHO Global Programme on AIDS has been studying the extent of HIV infection in prisons and preparing recommendations for individual treatment of infected prisoners. In cooperation with the United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD), UNESCO has prepared a draft model bilateral treaty for the prevention of crimes against cultural heritages, for consideration by the Committee on Crime Prevention and Control.

UNITED NATIONS INSTITUTES

From the beginning, United Nations criminal justice policy has been formulated with a world-wide perspective, under the leadership of central international bodies—the General Assembly, the Economic and Social Council, the Security Council, the Trusteeship Council and the Secretariat. Already by the 1950s, however, there was recognition of the value of and need for regional centres to serve groups of countries with common problems and traditions. Resolution 155 C(VII) (1948) of the Economic and Social Council already anticipated this need and sought to promote close co-operation between the regions of the world.

It was never intended that United Nations recommendations on criminal justice policies would be adopted wholesale and uniformly by all the Member States. There are just too many differences in national histories, cultures, economic structures and governmental institutions for this to be feasible or desirable, at least within the foreseeable future. Yet, if all Member States are left entirely to their own devices in implementation of policies, the impact of carefuly considered and formulated standards and the world-wide improvement of the functioning of criminal justice would be eroded. International standards, furthermore, are a yardstick against which countries can assess their own policies, and a springboard for reform. Regional centres of activity, which can take into account the cultures and traditions of groupings of nations integrally linked by geography and contiguous histories, serve as effective halfway houses between the dual exigencies of national sovereignity and international standardization. They exist closer to the ground, so to speak, than the central bodies of the United Nations and are more convenient to requests for guidance and assistance from Member States.

Accordingly, when regional seminars for preparation of the First Crime Congress were held, it was suggested at the meetings taking place in 1953 at Rio de Janeiro and São Paulo, Brazil, that a UN Latin American institute be

established. Among its main purposes would be organizing training courses, conducting research in the field of criminal justice, assisting Governments of the region, providing advisory opinions on policy matters, organizing regional seminars and facilitating co-operation among the States of the region and with the United Nations. Similar proposals came from the Arab seminar at Cairo, Egypt, in 1953 and the Asia and Far East seminar at Rangoon, Burma (now Myanmar), in 1954.

At present, regional United Nations institutes serve Asia and the Far East, Latin America, Europe and Africa. There also are UN-affiliated institutes serving the Arab States and Oceania. A United Nations Interregional Crime and Justice Research Institute (UNICRI) is located in Rome, Italy.

The UN Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was established in 1961 by agreement between the United Nations and the Government of Japan. Its objectives incorporated training personnel in criminal justice administration and conducting research and original studies in the field of crime prevention and the treatment of offenders. The first UNAFEI headquarters was opened in 1962; current facilities in the Fuchu district of Tokyo, completed in 1982, include a conference hall, library, auditorium and seminar rooms, as well as accommodation for students and visiting lecturers.

Students are drawn largely from the ranks of criminal justice system professionals with ranking positions in police forces, prosecutors' offices, the judiciary, correctional services and probationary and welfare agencies. Three-month training courses are held twice a year. One-month seminar courses held annually are designed for the needs of top-level administrators and policy-makers. There are also overseas joint

seminars, for which UNAFEI staff are dispatched to countries within the region and conduct classes in co-operation with host Governments.

A wide variety of practical research projects are carried out and the results published by the Institute. UNAFEI also holds workshops on criminal justice issues in co-operation with other United Nations agencies.

The Institute regularly publishes a newsletter with summaries of the training courses and a bulletin called *Resource Material Series*, with contributions and data on the prevention of crime, criminal justice, treatment of offenders and related subjects. Other UNAFEI publications include *Forms and Dimensions of Criminality in Asian Countries, Alternatives to Imprisonment in Asia, The Treatment of Chronic Criminals,* and *Criminal Justice in Asia—The Quest for an Integrated Approach.*

For the first five years of UNAFEI's existence, administrative responsibility was borne equally by the United Nations and the Government of Japan. Financial assistance from the United Nations began to decline in 1966, and was discontinued in 1970. Since that time, virtually all administrative and financial responsibilities are assumed by the Government of Japan. The director of UNAFEI is assigned in consultation with the United Nations.

The Latin American Institute for the Prevention of Crime and the Treatment of Delinquency

The United Nations Latin American Institute for the Prevention of Crime and the Treatment of Delinquency (ILANUD) was established in 1975 in San José, Costa Rica, and since then the Costa Rican Government has acted as host. As was the case with UNAFEI, the United Nations helped during the first years with financial aid and by providing senior staff and professional assistance. The Government of Costa Rica now provides a significant annual financial contribution to ILANUD, as well as its physical facilities.

The agreement between the United Nations and the Government of Costa Rica called for the Institute to help Latin American Governments incorporate plans for the prevention of crime and improvement of penal justice systems into national programs for social and economic development. In accord with this principle, ILANUD works to devise practical strategies that take into account United Nations recommendations in the sphere of criminal justice and promote co-operation between the Governments of the region.

ILANUD, like UNAFEI, has organized regular training courses, workshops, seminars and conferences for personnel in criminal justice systems. Its documentation centre and data bank serves as a regional clearing-house for crime statistics and criminal justice policies and techniques. Research projects co-ordinated by the Institute are geared to issues of particular interest to specific countries in Latin America as well as broadly regional concerns. Technical assistance in implementing criminal justice strategies that can be adapted to national development plans and apply United Nations recommendations are provided to Governments upon request.

Over 100 seminars and symposia organized by ILANUD since 1975 have covered topics ranging from developments in criminal justice policies to the proper functioning of correctional institutions and the problems of marginality and juvenile delinquency. The international meeting on the criminal abuse of power sponsored by ILANUD in 1978 is considered to be a pathbreaking contribution to the study of that problem. Also receiving widespread recognition is the Institute's Agrarian Justice Program. Initiated in 1987, it comprised a series of studies, reports, conferences and classes aimed at improving agrarian jurisdiction and strengthening the institutions, mechanisms and procedures governing agricultural production.

Responding to the need among countries of the region for reliable figures on case flow within judicial systems, ILANUD developed and in 1983 published a manual titled *Establish-*

ment of an Integrated System of Statistics on Criminality. The Institute also devised a model for collecting, systematizing and updating information on current applicable law and jurisprudence. To satisfy increasing requests from the region and to comply with resolutions of recent UN Crime Congresses, a computerized data base system is being implemented within ILANUD's documentation centre.

ILANUD edits an average of six non-periodical publications per year. Among its notable releases is *The Unsentenced Prisoner [El Preso Sin Condenación]*. *ILANUD Today (ILANUD al Día)* is a journal of articles and reports on criminology and the penal sciences.

The UN African Regional Institute for the Prevention of Crime and the Treatment of Offenders

The newest link to date in the network of regional institutes is the United Nations African Regional Institute for the Prevention of Crime (UNAFRI), formally established in January 1987 with temporary quarters at Addis Ababa, Ethiopia. The Institute operates under the auspices of the Economic Commission for Africa, with the financial assistance of the United Nations Development Programme.

During its initial phase, the objectives of UNAFRI centered on initiating training courses and research. Two important training courses were organized in 1987, on planning for crime prevention and criminal justice in the context of development and on the prevention and treatment of juvenile delinquency, respectively. In attendance at the first were senior criminal justice officials and development planners from the English-speaking countries of Africa; the second brought together juvenile delinquency personnel from French-speaking African countries. Research initiatives include the adaptation of the *Manual for the Development of Criminal Justice Statistics* to the needs of African countries, a pilot project for the collection of comprehensive crime statistics, laying the groundwork for a documentation and information centre, and a feasibility study

on the establishment of a regional information network to link up with the United Nations plan for a global criminal justice information system.

Extensive contact with Member States of the African region was directed towards the search for a permanent headquarters for UNAFRI. The Conference of African Ministers of Social Affairs, held in April 1988 at Niamey, Niger, decided in favour of establishing host facilities for the Institute at Kampala, Uganda.

The Helsinki Institute for Crime Prevention and Control

The Helsinki Institute for Crime Prevention and Control Affiliated with the United Nations (HEUNI) was established by an agreement signed between the United Nations and Finland in 1981, with the purpose of promoting co-operation in crime prevention and control among the countries of Europe with different socio-economic systems. The Institute commenced operations in the autumn of 1982. Budgetary responsibility for HEUNI lies with the Government of Finland, although other Governments have provided financial support.

The European Seminars organized by HEUNI are attended by senior government officials and criminological experts from Europe. These major seminars are carefully designed. The topics are defined and planned by a working group of experts from different countries and fields; a project co-ordinator prepares documentation for the meetings; and the proceedings of the seminar and report of the project co-ordinator are published. Smaller "meetings of experts" explore specific issues in depth. Such meetings at times are convened to offer a European perspective on draft documents of United Nations criminal justice policy. The topics covered in the European Seminars, the meetings of experts and additional research projects are selected in accord with the criminal justice programme of the United Nations and current priorities within the European region.

Beginning with the first European Seminar, on "The Feasibility of a European Information System on Trends in Crime and Criminal Policy", HEUNI has been actively involved with plans for a global United Nations information system on crime and criminal justice. Preparatory work includes ascertaining present and projected needs for various types of information, charting sources such as data banks and experts from European countries and study of the appropriate technology for gathering, processing and disseminating information.

HEUNI has established a publications series for dissemination of reports of projects, proceedings of the European Seminars and contributions from European experts. Among the titles are *Criminal Justice Systems in Europe*, *The Legal Scope of Non-Prosecution in Europe*, *The Role of the Victim of Crime in European Criminal Justice Systems* and *Non-Custodial Alternatives in Europe*.

The Arab Security Studies Training Centre

Located at Riyadh, Saudi Arabia, the Arab Security Studies and Training Centre (SST) co-operates closely with the regional and interregional institutes of the United Nations and its Crime Prevention and Criminal Justice Branch. It provides technical assistance to requesting countries, conducts training programmes, organizes international and regional expert group meetings, conducts research projects and policy analyses and runs a regionally oriented information programme.

In 1987 the Centre opened a High Institute of Security Studies. This Institute offers 10 academic programmes of one or two years' duration. One-year graduate certificate programmes cover Islamic criminal justice, drug control, civil protection and safety, traffic management, criminal investigation and rehabilitation in correctional institutions. Two-year master's degrees are offered in police leadership and in crime control, respectively.

The SST organizes an annual co-ordination meeting with the UN Crime Prevention and Criminal Justice Branch to foster joint programme planning and interregional co-ordination of activities. In January 1988, the Centre hosted a United Nations international conference on research and crime prevention, focusing on alternatives to imprisonment, and an international meeting of experts on the development of the draft United Nations Standards for the Prevention of Juvenile Delinquency, convened at Riyadh in March 1988 at the invitation of the Centre.

The Australian Institute of Criminology

The Australian Institute of Criminology was established in 1973 by agreement between the Commonwealth and state Governments, to engage in research and related activities in the field of criminology. From the outset, the Institute fulfilled obligations and responsibilities in the international and regional arenas. Its involvement in United Nations activities dates to a formal agreement signed with the Crime Prevention and Criminal Justice Branch in July 1988.

The Institute advises the Branch on implementation of its programme and collaborates in seminars and training courses. It co-operates with UNAFEI in the collection of data and statistics in Asia and the Pacific, takes part in preparations for UN Crime Congresses, hosts international visitors and maintains regional and interregional links with the relevant United Nations bodies. Special emphasis is given to implementation of crime prevention and criminal justice programmes in the countries of the Pacific region, and this has involved the director of the Institute and other staff in delivering lectures, attending conferences and discussing matters of mutual interest with government officials of these countries.

The Interregional Crime and Justice Research Institute

The centrepiece of the network of criminal justice institutes is the recently re-named United Nations Interregional Crime and

Justice Research Institute (UNICRI). It was founded under the name of the United Nations Social Defence Research Institute, in response to concerns voiced at the 1965 Crime Congress at Stockholm. There it was noted that the need for more reliable crime statistics and for more intensive and extensive research into the effects of criminal justice policies had been pointed out at international gatherings over the years, but little had been done in the way of systematic redress at the world-wide level. The Institute was established on 8 May 1968 by an agreement between the United Nations and the Government of Italy.

The setting of UNICRI is particularly appropriate to its goals. The headquarters are housed in a seventeenth-century building located at the heart of the old section of Rome. The edifice was built at the order of Pope Innocent X for use as "The New Prison", a model for the replacement of dungeons characteristic of the Middle Ages. The Italian Government modernized the building's interior and made it available to UNICRI. Accommodation comprises office space, a library, documentation service facilities and a large conference room.

The *modus operandi* of UNICRI research projects is oriented towards interregional co-operation and the development of local resources. Field research is carried out in conjunction with local institutions and experts, involves local policy-makers and whenever possible utilizes local funding sources. Many research programmes are carried out in a variety of countries and are oriented to drawing cross-cultural as well as interdisciplinary conclusions.

UNICRI collaborates in the programmes of other United Nations criminal justice institutes and provides technical support at the national and regional levels.

The Institute has a small but highly specialized library with volumes on criminology, penology and related fields of law, sociology and psychology. It also maintains a collection of United Nations and Council of Europe documents concerning

criminal justice affairs. The publications programme of the Institute includes scores of major research papers and an annual catalogue of relevant research from around the world. UNICRI has taken a leading role in the development of a United Nations global information network.

UNICRI is financed by the United Nations Social Defence Trust Fund, which provides the major portion of its funding. Conversely, support of UNICRI absorbs the greatest part of Trust Fund disbursements. Established in 1965 by Economic and Social Council resolution 1086 B, the Trust Fund accepts donations from Governments and other sources to support crime prevention and control efforts world-wide.

TECHNICAL CO-OPERATION AND ADVISORY SERVICES

Direct services to Governments in the form of policy formulation and implementation and training of personnel has been a distinctive aspect of the crime prevention and control work of the United Nations since the earliest days of the Organization. A system of advisory services was in place by 1946, antedating the much larger and better-known programmes of technical assistance in economic development.

In the years immediately following, it was the most economically developed, industrialized countries that commonly made use of United Nations advisory services. Practically all of the highly industrialized nations chose senior officials to travel abroad, under United Nations auspices and financing, to observe and consult on practice and policy in other industrialized nations, particularly those with reputations for innovative or progressive programmes. As the composition of the United Nations shifted numerically and geographically, and as it intensified its commitment to the needs of the developing world, through policy, practice and legislation it became the custom to concentrate on the needs of the less affluent countries.

Another trend that has developed over the years is a broadening of the scope of crime prevention and control assistance programmes. In the earliest years, requests for expertise tended to focus on highly specific areas, such as the introduction of juvenile courts, the creation of open penal institutions, probation, etc. Over time, there has been greater interest in examining the totality of Governments' efforts in coping with crime, and an increasing recognition that crime and society's approach to it are intimately bound to the socio-economic fabric of the country.

Two major objectives can be served through technical assistance and advisory services: merely strengthening the criminal justice systems of Governments often overwhelmed by

outbreaks of crime and a multiplicity of development imperatives, and advancing new policies. Under real-life circumstances, theory and practice tend to go hand in hand. The training of personnel leads to an analysis of current practice and how it may be improved, and the formulation of innovative policy requires the training of officials from senior levels down to clerical, custodial, police and administrative staff in new modes of practice.

Advisory services provided by United Nations officials with international experience and interchanges between criminal justice personnel and experts of different countries serve a third purpose: the development of a world-wide perspective on crime prevention and control. This is of particular importance in regard to the question of implementing United Nations standards, guidelines, international instruments and other policy recommendations. A frequent complaint among States that have endorsed United Nations resolutions on crime prevention and control concerns the difficulty of practical implementation. Governments with budgetary difficulties and a host of political, economic and social needs to be met are hard pressed to upgrade standards of criminal justice practice and install new approaches. Technical and advisory assistance is needed to move ahead on either front.

International co-operation

The United Nations also operates under budgetary constraints, and demand for advisory and technical services invariably outstrips the capacities of the Organization. One means of breaking this impasse is increased support from Governments and non-governmental organizations—in terms of cash contributions, in-kind donations, expert services, fellowships and other kinds of assistance. A number of technical assistance and advisory projects accordingly are being formulated with a view to obtaining support from donor countries, the Department of Technical Co-operation for Development of the Secretariat, the United Nations Development Programme, the World Bank and other internationally oriented agencies.

A source of technical support at the national and regional levels that has not reached its full potential is the United Nations Social Defence Trust Fund. To date, the number of Governments contributing to the Trust Fund does not exceed 5 per cent of the membership of the United Nations. Recognizing that the Fund could be an invaluable international resource, the Seventh Crime Congress of 1985 invited Governments to make financial contributions. This invitation was reiterated by the General Assembly and the Secretary-General in later years. The inclusion of the Trust Fund in the United Nations Pledging Conference for Development could have a considerable impact in furthering this goal.

Ongoing international co-operation is frequently a by-product of United Nations assistance programmes. Many experts sent on assignments by the United Nations are on leave from high government posts, granted by their Governments for that purpose. Upon return, the expert frequently engenders within his Government a special interest in follow-up to his work, through the provision of fellowships for further training or the provision of equipment or training materials. Assistance between countries and the interchange of criminal justice personnel have also been motivated by the activities of the regional and interregional institutes of the United Nations and the spirit of intra-national co-operation that arises from seminars with participants from many nations.

The work of the Crime Prevention and Criminal Justice Branch

In addition to its other functions (see chapter 4), the United Nations Crime Prevention and Criminal Justice Branch is the central repository of international technical expertise in matters of crime prevention and criminal justice, criminal law reform and criminological sciences. Located within the Centre for Social Development and Humanitarian Affairs at the United Nations Office at Vienna, the Branch bears a primary responsibility within the United Nations system for facilitating

technical co-operation between nations in the criminal justice field and providing technical and advisory services.

Assistance to Governments takes many forms, but in most instances is comprised of either fellowships or the provision of experts. Fellowships allow criminal justice professionals the chance to study techniques in another country and bring knowledge of new or different approaches and the practical dimensions of their execution back to their home nations. Conversely, experts dispatched to a requesting country are able to confer with senior officials, institute training programmes, assist in the analysis of local criminal justice policy or otherwise impart techniques and approaches of proven validity. Moreover, it has generally been true that the United Nations expert has seized every possible occasion to advance knowledge in the areas of his responsiblity in all sectors related to his field. Typically, this has meant contributing to the teaching of in-service training programmes, schools of social work, police academies and conferences of the judiciary. It is also more or less standard practice for the expert, with Government approval, to single out one or more individuals within the criminal justice infrastructure of the requesting country to carry primary responsibility for follow-through on new approaches and techniques.

Many assistance projects have entailed the provision of expertise on a relatively long-term basis, generally one or two years. In 1970, the position of Interregional Adviser was established within the Crime Prevention and Criminal Justice Branch to provide quicker or more flexible services. Within the first four years, two Interregional Advisers responded to requests, focussing on evaluation, research and planning, from 40 countries. Between 1982 and 1989, interregional advisory services provided by the Branch fielded more than 100 requests for assistance from Member States.

Services available to the world community

A broad repertoire of services for Member States and regional bodies is available through the Crime Prevention and Criminal Justice Branch. Advisory Missions of two to three weeks' duration are run by an Interregional Adviser to help with the implementation of United Nations standards and guidelines and assist with the planning of national programmes. There are also Project Formulation Missions, dealing with specific crime prevention or crime control policy areas and, in co-operation with the Department of Technical Co-operation for Development of the Secretariat, sponsorship of training programmes, study tours and student fellowships.

The Branch, in co-operation with the United Nations Development Programme, will install resident advisers and trainers and will assist with the procurement of equipment such as computers, forensic apparatus and training materials.

Large projects must be financed by the United Nations Development Programme or through a Trust Fund. Some funds are available, however, from the United Nations Regular Programme Budget for innovative demonstration projects and for *ad hoc* advisory services. The Branch also co-operates with donor agencies and private institutions and can help formulate a multilateral project of co-operation suited to the needs of the recipient country.

Assistance in the following technical areas is provided by the Crime Prevention and Criminal Justice Branch:

Criminal law

- Codification and digests of existing legislation and jurisprudence
- Penal law reform
- Decriminalization and depenalization policies
- Classification of crimes and model codes
- Commercial crime, fraud and tax evasion

- Corruption, embezzlement and misconduct in office
- Organized crime, racketeering and smuggling
- Offences against public safety, cultural patrimony and the environment
- Criminal law procedures and the rights of the accused
- Alternatives to imprisonment
- Extradition and the treatment of foreign prisoners
- Bilateral treaties in criminal matters.

Criminal justice management

- System analysis and organizations and structure of justice agencies
- Computerization and management systems
- Allocation of manpower, training, and human resource development
- Research on interrelationships between socio-economic factors and crime
- Incorporation of crime prevention strategies in national, regional and urban development
- Status, selection and training of criminal justice personnel, including judges and prosecutors
- Improving the efficacy and fairness of judicial processes
- Facilitating access to justice and legal assistance for the poor
- Role of lawyers and public defenders.

Criminal justice statistics

- Organization of data collection and record-keeping
- Computerization
- Crime trends and surveys; crime forecasting
- Manpower statistics and budget allocations
- Criminal records and management
- Judicial statistics and assignment of cases

- Prison population statistics
- Recidivism statistics.

Law enforcement

- Code of conduct
- Use of force and firearms by law enforcement officials
- Community support, role of the mass media and complaint procedures
- Policies re: victims of crime and domestic violence
- Investigative techniques re: money laundering and organized crime
- International co-operation to combat transnational offenders
- Seizure of assets derived from illegal activities
- Forensic training and the handling and transfer of evidence
- Arrest procedures and the protection of human rights.

Rehabilitation of offenders

- Alternatives to imprisonment: community-based programmes, halfway houses and electronic monitoring
- Probation, supervision programmes and after-care services
- Programmes in correctional institutions: weekend imprisonment, semi-liberty, training programmes and supervised labour
- Prisoners' rights and privileges, furloughs and ombudsmen
- Treatment of women in prisons
- Treatment of drug addicts in prisons
- Treatment of mentally ill offenders
- Treatment of prisoners with AIDS
- Evaluation of correctional programmes and recidivism
- Long-term prisoners and aging prison populations.

Victims of crime

- Policies and procedures designed to protect victims and model laws in this regard
- Restitution and compensation programmes and financing schemes
- Health, social and legal services for victims: child protection, shelters for battered women, rape crisis centres
- Victim involvement in judicial proceedings; alternatives to judicial process
- Special police services and procedures for victims and relevant training programmes
- Reporting of victimization and victim studies
- Compensation for victims of abuse of public and economic power.

Juvenile justice

- Age of criminal responsibility
- Diversion and non-institutional treatment
- Delinquency prevention strategies
- Mobilization of volunteers and other community services
- Guiding principles in adjudication and disposition
- Institutional treatment—minimum standards
- Multi-sectoral, multi-agency rehabilitation programmes
- Research and planning for policy formulation
- Training of juvenile justice personnel.

All requests for assistance should be channelled through the local United Nations Development Programme Office to Miss Margaret J. Anstee, Director-General, United Nations Office at Vienna, Austria.

Further information can be obtained from:
Crime Prevention and Criminal Justice Branch
Centre for Social Development and Humanitarian Affairs
United Nations Office at Vienna
Room E1222
Telephone: 0222 2631 4269
Cable Address: UNATIONS VIENNA
Telex: 135612
Facsimile: 232156

APPENDIX

UNITED NATIONS STANDARDS, GUIDELINES AND INTERNATIONAL INSTRUMENTS

STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

Approved by the Economic and Social Council 31 July 1957 (resolution 663 C I (XXIV))

Part I

RULES OF GENERAL APPLICATION

Basic principle

- The following rules are to be applied without discrimination on the grounds of race, colour, sex, language, religion, political opinions, national or social origin, property, birth or other status.
- It is necessary, however, to respect religious beliefs of prisoners.

Register

- A bound registration book shall be maintained with the identity, reasons for commitment and day and hour of admission and release of prisoners.

Separation of categories

- Men and women in detention are to be held in separate facilities; likewise untried prisoners and convicted, those imprisoned for civil offences and criminal offenders, and youth and adults shall be housed separately.

Accommodation

- Cells for individuals should not be used to accommodate two or more persons overnight; dormitory facilities are to be supervised at night.
- Cells and prison dormitories should provide adequate space, ventilation, lighting and sanitary facilities and are to be kept clean at all times.

Personal hygiene

- Prisoners shall be provided with adequate water and toilet articles, and required to keep themselves clean.

Clothing and bedding

- Prisoners not allowed to wear their own clothing are to be provided with an adequate and suitable outfit, and provisions for washing and changes of clothes.
- Prisoners outside an institution for an authorized purpose are to be allowed to wear their own clothing.
- Every prisoner shall be provided with a separate bed and clean, separate and sufficient bedding.

Food

- Wholesome, well prepared food is to be provided prisoners at usual hours.
- Drinking water shall be available whenever needed.

Exercise and sport

- If not employed in outdoor work, every prisoner shall have at least one hour of exercise in the open air, weather permitting.
- Young prisoners and others of suitable age and physique are to receive physical and recreational training.

Medical services

- A medical officer with some knowledge of psychiatry is to be available to every institution.
- Prisoners requiring specialized treatment are to be transferred to a civil hospital or appropriate facility.
- A qualified dental officer shall be available to every prisoner.
- Pre-natal and post-natal care and treatment is to be provided by women's institutions; where nursing infants are allowed to remain with their mothers, a nursery staffed by qualified persons is needed.

- Every prisoner shall be examined by the medical officer shortly after admission; prisoners suspected of contagious diseases are to be segregated.
- The medical officer shall see all sick prisoners daily, along with those who complain of illness or are referred to his attention.
- The medical officer is to report to the director on prisoners whose health is jeopardized by continued imprisonment and on the quality of the food, hygiene, bedding, clothing and physical regimen of the prisoners.

Discipline and punishment

- Discipline shall be no more restrictive than what is necessary to ensure custody and order.
- No prisoner shall be employed in a disciplinary capacity.
- The types of conduct to be considered offences and punishments for them shall be set by law or regulation, and prisoners are to be allowed to defend themselves of charges.
- Cruel, inhuman and/or degrading punishments, including corporal punishment and restriction to a dark cell, shall be prohibited.
- The medical officer is to be consulted before implementing any punishment that may be prejudicial to the physical or mental health of a prisoner.

Instruments of restraint

- Handcuffs, strait-jackets and other instruments of restraint are never to be applied as a punishment, and irons and chains are not be used as means of restraint.

Information to and complaints by prisoners

- Upon admission, prisoners shall be informed of the regulations they are to live by and authorized channels for seeking information and making complaints.
- Prisoners are to have the right to make complaints to the director of the institution, as well as to the central prison ad-

ministration and the judicial authority, in the proper form but without censorship as to substance, and the opportunity to speak directly to an inspector of prisons outside the presence of institutional staff members.

- Unless evidently frivolous, each complaint shall be replied to promptly.

Contact with the outside world

- Prisoners are to be allowed regular contact with family and friends, both by correspondence and personal visits.
- Prisoners who are foreign nationals shall be allowed communication with diplomatic and consular representatives of their State, or a State or international authority that has taken charge of their interests.
- Prisoners are to be kept informed of current events and important items of news.

Books

- Every institution shall maintain for the use of prisoners a library with recreational and instructional books.

Religion

- If the institution contains a sufficient number of prisoners of the same religion, a qualified representative of every religion shall be appointed to hold services and pay pastoral visits.
- No prisoner shall be refused access to a qualified representative of a religion, nor shall he be required to entertain a religious visit he objects to.
- As far as is practicable, every prisoner is to be allowed to satisfy religious needs by attending services and possessing books of observance and instruction.

Retention of prisoners' property

- Money, valuables and personal effects prisoners are not allowed to keep in their possession are to be kept in safe custody until the prisoners' release.

- Money or effects received by a prisoner from outside shall be treated the same way.
- The medical officer is to decide what use shall be made of drugs or medicine a prisoner brings with him.

Notification of death, illness, transfer, etc.

- The spouse or nearest relative shall be informed of the death, serious illness, injury or transfer to an institution of treatment of mental afflictions of a prisoner.
- A prisoner is to be informed at once of the death or serious illness of any near relative. In cases of critical illness, the prisoner is to be allowed to visit that relative.
- Every prisoner shall have the right to inform at once his family of his imprisonment or transfer.

Removal of prisoners

- Prisoners being transferred are to be protected from insult, curiosity or publicity.
- Conveyances which subject prisoners being transferred to unnecessary hardship shall be prohibited.
- Transport is to be at the expense of the prison administration, and equal conditions shall obtain for all prisoners.

Institution personnel

- The administration shall carefully select every grade of personnel and maintain in their minds and the public's the important social service they provide.
- To these ends, pay, conditions and benefits shall be suitable to professional and exacting service.
- Personnel are to be sufficiently educated, and to receive ongoing courses and training.
- As far as possible, personnel should include within its ranks psychiatric, social work and educational professionals.

The director shall be a qualified administrator, retained on a full-time basis and residing on the premises or in the immediate vicinity.

Staff personnel are to be able to speak the language of the greatest number of prisoners, and to retain the services of an interpreter when necessary.

In larger institutions, at least one medical officer should reside on the premises or in the immediate vicinity.

In others, a medical officer shall visit daily and reside near enough to be available for emergencies.

In an institution for both men and women, the part set aside for women shall be under the authority of a woman officer, who shall have custody of the keys for that section.

Male officers shall enter the section for women only in the presence of a woman officer, and women prisoners shall be attended and treated only by women officers, without precluding male doctors and teachers from carrying out their duties.

Officers shall not use force except in self-defence, cases of attempted escape or resistance to an order based on law or regulation. Officers who have recourse to force must use no more than is strictly necessary and must report the incident immediately.

Prison officers are to receive physical training in the use of force. As a general rule, they should not carry weapons in the presence of prisoners.

Inspection

There shall be regular inspection of penal institutions.

Part II:
RULES APPLICABLE TO SPECIAL CATEGORIES

A. *PRISONERS UNDER SENTENCE*

Guiding principles

- The prison system must not aggravate unnecessarily the suffering inherent in a prisoner's loss of self-determination and liberty.
- Prisons should utilize all remedial, educational, medical and spiritual forms of assistance to treat the prisoner's needs and facilitate his return to society as a law-abiding member.
- It is desirable to provide varying degrees of security according to the needs of different groups of prisoners. Open prisons that rely on self-discipline as opposed to physical restraint are preferable whenever possible.
- Government or private agencies should be available for the after-care of released prisoners.

Treatment

- Treatment of prisoners under sentence shall be directed to achieve the capacity for law-abiding and self-supporting lives, utilizing professional services whenever possible.
- The director shall receive full reports on the mental, social and physical status of prisoners under sentence of a suitable length directly after admission, keeping and updating this information in individual files.

Classification and individualization

- To separate from others those prisoners who are likely to exercise a negative influence and to facilitate specialized treatment, prisoners are to be classified, and kept so far as possible in separate institutions or sections.

Privileges

- Systems of privileges appropriate to different classes of prisoners shall be established to encourage proper conduct and secure the co-operation of prisoners in their treatment.

Work

- Prison labour must not be of an afflictive nature.
- All prisoners under sentence shall be required to work, unless determined to be physically or medically unfit.
- So far as possible, the work should be of a full-time nature, conducive to vocational training and aligned with the choice of prisoners.
- The interests and vocational training of prisoners are of greater importance than making a financial profit from their labour.
- Institutional labour preferably will be directed by prison administrators rather than private contractors. When prisoners are employed in work not controlled by the administration, they should be under the supervision of the institution's personnel and the administration should be paid the normal wages for such work, unless the contractor is another government agency.
- Precautions laid down to protect the safety and health of free workmen shall likewise be respected for prison labourers.
- Maximum days and hours of work shall be fixed by law or regulation, taking into account local rules or customs regarding the employment of free workmen and to leave one rest day a week and sufficient time for education and treatment.
- Prisoners are to be remunerated equitably, allowed to spend part of their earnings on approved articles for their own use, send a part to their families and set aside some in a savings fund.

Education and recreation

- The ongoing education of prisoners is to be facilitated, and schooling of illiterates and youthful prisoners is to be considered compulsory.
- Recreational and cultural activities are to be made available.

Social relations and after-care

- Special attention shall be paid to maintaining and improving relations between a prisoner and his family.
- The prisoner should be encouraged and assisted in cultivating relations with persons or extra-institutional agencies conducive to his rehabilitation and best interests after release.
- Upon release, prisoners shall be provided with appropriate documents and identification papers, be suitably clothed and have sufficient means to reach their immediate destinations. They are to be assisted by services or agencies in locating suitable homes and work.
- Representatives of such agencies shall have access to prisoners during their term of incarceration and be taken into consultation as to the future of each prisoner from the beginning of his sentence.

B. INSANE AND MENTALLY ABNORMAL PRISONERS

- Persons found to be insane are not to be detained in prisons.
- Prisoners suffering from other mental abnormalities shall be observed and treated in specialized institutions under medical management and steps taken to ensure the continuation of care after release.

C. PRISONERS UNDER ARREST OR AWAITING TRIAL

- Unconvicted prisoners are presumed to be innocent and shall be treated as such.
- They shall be held separately from convicted prisoners, and the young kept separate from adults.
- Prisoners awaiting trial are to sleep singly in separate rooms.
- They may have food procured at their own expense; otherwise, the administration shall provide food.
- An untried prisoner shall be allowed to wear his own clothing if clean and suitable; if he wears prison dress, it is to be different from that of convicted prisoners.

- An untried prisoner may procure at his own expense or that of a third party books, publications and writing materials.
- Treatment by an untried prisoner's own doctor or dentist is to be allowed under reasonable grounds, and if the prisoner is willing to pay for the expenses incurred.
- An untried prisoner shall be allowed to inform his family of his detention immediately after arrest and communicate with and receive visits from family and friends.
- He shall be allowed to apply for free legal aid where such aid is available, to consult with his legal adviser regarding his defence. Such interviews may be within sight but not within the hearing of a police or institution official.

D. CIVIL PRISONERS

- Where law permits imprisonment for debt or by order of a non-criminal court, those so imprisoned shall be subjected to no greater restriction or severity than necessary for safe custody and good order. Their treatment shall be no less favourable than that accorded untried prisoners, with the reservation that they may be required to work.

E. PERSONS ARRESTED OR IMPRISONED WITHOUT CHARGE

- Persons arrested or imprisoned without charge shall be accorded the same protection as other prisoners, without prejudice to the provisions of Article 9 of the International Covenant on Civil and Political Rights.

CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

Adopted by the General Assembly 17 December 1979

- All those who exercise police powers shall respect and protect human dignity and uphold the human rights of all persons.

- Law enforcement officials shall fulfil the duty imposed on them by law by serving the community and protecting all persons against illegal acts.
- Service to the community includes in particular assistance to those who by reason of personal, economic, social or other emergencies are in need of immediate aid.
- Protection against illegal acts extends to the full range of prohibitions under penal statutes and to the conduct of persons not capable of incurring criminal liability.
- Law enforcement officials may use force only when strictly necessary and only to the extent required for the performance of their duty.
- The use of firearms is considered to be an extreme measure, not to be employed except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others.
- Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.
- No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.
- Law enforcement officials shall ensure the full protection of the health of persons in their custody and take immediate action to secure medical attention whenever required.
- Law enforcement officials shall not commit any act of corruption and shall rigorously oppose and combat all such acts.
- Law enforcement officials shall respect the law and this Code, and to the best of their capabilities prevent and oppose any violations of them.
- If they believe that a violation of this Code has occurred or is about to occur, they shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or governmental organs; as a last resort, and in accord with the laws and customs of their own countries, they may bring violations to the attention of the mass media.

- Law enforcement officials who comply with the provisions of this Code deserve the respect, full support and co-operation of the community and of the law enforcement agency in which they serve.

SAFEGUARDS GUARANTEEING PROTECTION OF THE RIGHTS OF THOSE FACING THE DEATH PENALTY

Economic and Social Council resolution 1984/50, adopted 25 May 1984

- In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, intentionally committed with lethal or extremely grave consequences.
- Capital punishment may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission.
- Persons below 18 years of age, pregnant women, new mothers or persons who have become insane shall not be sentenced to death.
- Capital punishment may be imposed ony when guilt is determined by clear and convincing evidence leaving no room for an alternative explanation of the facts.
- Capital punishment may be carried out only after a final judgement rendered by a competent court allowing all possible safeguards to the defendant, including adequate legal assistance.
- Anyone sentenced to death shall have the right of appeal to a court of higher jurisdiction.
- Anyone sentenced to death shall have the right to seek pardon or commutation of sentence.
- Capital punishment shall not be carried out pending any appeal, recourse procedure or proceeding relating to pardon or commutation of the sentence.
- Where capital punishment occurs, it shall be carried out so as to inflict the minimum possible suffering.

DECLARATION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Adopted by the General Assembly 9 December 1975

- Any act of torture or other cruel, inhuman or degrading treatment or punishment is an offence to human dignity and a fundamental violation of human rights.
- No State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. Exceptional circumstances, including state of war, internal political instability or public emergency, may not be invoked as justification of such acts.
- Each State shall take take effective measures to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment within its jurisdiction.
- The training of law enforcement personnel and other public officials who may be responsible for persons deprived of their liberty shall ensure that full account is taken of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment.
- Each State shall systematically review interrogation methods and arrangements for the custody and treatment of prisoners with a view to preventing cases of torture or other cruel, degrading treatment or punishment.
- Each State shall insure that all acts of torture are offences under its criminal law. The same shall apply to participation in, complicity in, incitement to or an attempt to commit torture.
- Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain and have his case competently examined by competent authorities of the State.
- Wherever there is reasonable ground to believe than an act of torture has been committed, competent authorities shall carry out an impartial investigation even if there has been no formal complaint.

- If investigation establishes that an act of torture appears to have been committed, criminal proceedings shall be instituted. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, criminal, disciplinary or other appropriate proceedings shall be instituted.
- The victim of torture or other cruel, inhuman or degrading treatment or punishment shall be afforded redress and compensation under the law.
- Any statement made under torture or as a result of other cruel, inhuman or degrading treatment or punishment may not be invoked as evidence against the person concerned or any other person in any proceedings.
- An order from a superior officer or a public authority may not be invoked as a justification of torture.
- No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing he would be in danger of torture.

THE MILAN PLAN OF ACTION

Adopted by the Seventh Crime Congress, Milan, 26 August–6 September 1985

Possessing national and international dimensions, the problem of crime demands a concerted response from the community of nations to reduce opportunities for the commission of crimes and to address relevant socio-economic factors, such as poverty, inequality and unemployment. Unbalanced or inadequately planned development contributes to an increase in criminality, and the criminal justice system should be fully responsive to diverse and evolving political, economic and social systems.

Recommendations

- Governments should give high priority to crime prevention and criminal justice through strengthening appropriate mechanisms and allocation of adequate resources.

- Action-oriented programmes and projects should be undertaken in the field with the assistance of full bilateral and multilateral co-operation.
- Research and data-base capabilities of the United Nations and Member States should be strengthened, with special attention to possible interrelationships between criminality and specific aspects of development such as population structure and growth, housing, migration, urbanization and employment opportunities.
- Further study of crime in relation to human rights and fundamental freedoms is needed for investigation of new and traditional forms of crime.
- Member States should adopt concrete and urgent measures to eradicate racial discrimination and other forms of oppression, particularly *apartheid*.
- Priority must be given to combating terrorism in all its forms and to co-ordinated action by the international community in that regard.
- Launching a major effort to control and eventually eradicate illicit drug trafficking and abuse is imperative.
- To further the improvement of criminal justice systems, the United Nations should facilitate the exchange of information and experience between Member States and should undertake study and policy research.
- Non-governmental organizations should continue to be effectively involved in United Nations efforts in the field.
- The UN Secretary-General is requested to review the United Nations work programmes in crime prevention and control with special attention to improving co-ordination of the Organization's activities.
- UN regional and interregional institutes should be strengthened and their programmes reinforced. Immediate action should be taken to establish the regional institute for Africa.
- UN capacities to extend technological co-operation to developing countries should be reinforced.

- Member States should intensify their efforts, including in the area of education, to develop the widest possible participation in preventing and combating crime.

GUIDING PRINCIPLES FOR CRIME PREVENTION AND CRIMINAL JUSTICE IN THE CONTEXT OF DEVELOPMENT AND A NEW ECONOMIC ORDER

Adopted by the Seventh Crime Congress, Milan, 26 August–6 September 1985

- Changes in national economic and social structures should be accompanied by appropriate criminal justice reforms.
- International co-operation should be encouraged to foster balanced economic development, through restructuring of the international economic system, with due emphasis on crime prevention and the proper functioning of criminal justice systems.
- Policies for crime prevention and criminal justice should take into account the structural causes, including socio-economic causes, of injustice.
- New directions and approaches should be explored regarding crime-related concepts, measures, procedures and institutions.
- Member States should refrain from committing acts aimed at harming the development of other countries and should assist each other in crime prevention and criminal justice efforts.
- Crime prevention as a global phenomenon should not be confined to common criminality, but should also address especially harmful crimes, including economic crime, environmental offenses, illegal drug trafficking, terrorism, *apartheid* and other comparable crimes.
- Special protection against criminal negligence should be ensured in matters concerning public health, labour conditions, exploitation of natural resources and the environment and the provision of consumer goods and services.
- Laws governing the functioning of business enterprises should be reviewed and strengthened as necessary, and considera-

tion should be given to having complex cases of economic crime heard by judges familiar with business procedures.

- States should give due consideration to making institutions as well as individuals criminally responsible.
- More appropriate penalties for economic crimes should be established where existing measures do not correspond to the gravity of those offenses.
- Economic penalties should be graded to ensure that they are equally exemplary for both poor and wealthy offenders.
- Measures should be taken to provide crime victims with effective legal protection, including compensation for damages resulting from crime.
- Crime prevention strategies should be formulated in relation to the socio-economic context, the society's developmental stage and its traditions and customs.
- Legal systems, including criminal justice, should be instrumental in promoting beneficial and equitable development. While protecting human rights and promoting social justice, improvements in crime prevention effectiveness and criminal justice policies should be encouraged through consideration of alternatives to incarceration and judicial intervention.
- Equality, fairness and equity in the processes of law enforcement, prosecution, sentencing and treatment should be ensured so as to avoid discriminatory practices based on socio-economic, cultural, ethnic, national or political backgrounds, sex or material means.
- Safeguards should be established concerning the use of modern technology and computer systems so as to avoid possible violations of the right of privacy and other human rights.
- International co-operation should be "less cumbersome and more effective" in areas such as extradition of offenders, investigative and judicial assistance and transfer of foreign prisoners. Technical and scientific co-operation should be increased.

BASIC PRINCIPLES ON THE INDEPENDENCE OF THE JUDICIARY

Adopted by the Seventh Crime Congress, Milan, 26 August–6 September 1985

- The independence of the judiciary shall be guaranteed by the State and enshrined in the constitution or law of the country.
- The judiciary shall decide matters before them with impartiality on the basis of facts, in accordance with the law, without any improper influences or pressures.
- Everyone shall have the right to be tried by ordinary courts or tribunals using established legal procedures. Tribunals that do not use established legal procedures shall not be created to displace the jurisdiction belonging to ordinary courts.
- Members of the judiciary, like other citizens, are entitled to freedom of expression, belief, association and assembly; however, judges shall always conduct themselves in a manner so as to preserve the dignity of their office and the impartiality and independence of the judiciary.
- Persons selected for judicial office shall be individuals of integrity and ability with appropriate training or qualifications in law. In selection of judges, there shall be no discrimination on the basis of race, colour, sex, religion, political or other opinion, national or social origin, property, birth or status.
- The term of office and conditions of service for judges shall be secured by law. Judges shall have guaranteed tenure until retirement or expiration of their term of office.
- Assignment of cases to judges is an internal matter of judicial administration.
- The judiciary shall be bound by professional secrecy concerning their deliberations and shall not be compelled to testify on such matters.
- Without prejudice to any disciplinary procedure or to any right of appeal or compensation from the State, judges should enjoy personal immunity from civil suits for monetary damages for improper acts or omissions in the exercise of their judicial functions.

- A judge shall have the right to a fair hearing on charges or complaints against her/him. Judges shall be subject to suspension or removal only for reasons of incapacity or behaviour that renders them unfit to discharge their duties.
- Decisions in disciplinary, suspension or removal proceedings should be subject to an independent review, except concerning decisions by the highest court and those of the legislature in impeachment or similar proceedings.

MODEL AGREEMENT ON THE TRANSFER OF FOREIGN PRISONERS AND RECOMMENDATIONS ON THE TREATMENT OF FOREIGN PRISONERS

Adopted by the Seventh Crime Congress, Milan, 26 August–6 September 1985

- The social resettlement of offenders should be promoted by quickly facilitating the return of persons convicted of crime abroad to their home country to serve their sentence.
- Prisoner transfer should take place where the offence in question is punishable by deprivation of liberty in both sending (sentencing) and receiving (administering) countries. A transfer may be requested by either the sentencing or the administering State.
- A transfer shall be dependent on the consent of both States and the prisoner as well. The administering State should be given the opportunity to verify the free consent of the prisoner.
- At the time of request for a transfer, as a general rule, the prisoner shall have to serve at least six months of the sentence.
- The administering State shall either continue enforcement of the sentence or convert the sentence to one prescribed by its law for a corresponding offence.
- In the case of continued enforcement, the administering State shall be bound by the sentence determined by the sentencing State. It may, however, adapt the sanction to the punishment prescribed by its own law for the offence, but a sanction in-

volving deprivation of liberty shall not be converted to a pecuniary sanction.

- The administering State shall be bound by the findings of the sentencing State, which has the sole competence for review of the sentence.
- Costs incurred as a result of a transfer shall be borne by the administering State, unless otherwise decided by both States.
- Both the sentencing and administering States shall be competent to grant pardon and amnesty.

RECOMMENDATIONS ON THE TREATMENT OF FOREIGN PRISONERS

Adopted by the Seventh Crime Congress, Milan, 26 August–6 September 1985

- Foreign prisoners should have the same access as national prisoners to education, work and vocational training.
- Foreign prisoners should be eligible for alternative measures to imprisonment according to the same principles as nationals.
- The religious precepts and customs of foreign prisoners should be respected.
- Foreign prisoners should be informed, in a language they understand, of the prison régime and regulations as well as their right to request contact with consular authorities. Proper assistance should be given in dealings with medical or programme staff and concerning such matters as complaints, special diets and religious representation and counselling.
- Contacts should be facilitated between foreign prisoners and their families and with humanitarian international organizations.

STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE

Adopted by the General Assembly 29 November 1985 (resolution 40/33)

Part I

GENERAL PRINCIPLES

Fundamental perspectives

- Member States shall seek to further the well-being of juveniles and their families.
- Member States shall try to develop conditions to ensure meaningful lives in the community for juveniles.
- Sufficient attention should be given to positive measures involving mobilization of resources, such as the family, volunteers and community groups, to promote the well-being of juveniles.
- Juvenile justice shall be an integral part of the national development process of each country.

Age of criminal responsibility

- In legal systems recognizing the concept of an age of criminal responsibility for juveniles, such an age level shall not be fixed too low, bearing in mind emotional, mental and physical maturity.

Aims of juvenile justice

- Any reaction by the juvenile justice system to juvenile offenders shall be in proportion to both the offenders and the offence.

Scope of discretion

- Appropriate scope for the exercise of discretionary power shall be allowed at all stages of legal proceedings affecting juveniles.
- Efforts shall be made to ensure sufficient accountability at all stages in the exercise of such discretion.

Rights of juveniles

- Basic procedural safeguards such as the presumption of innocence, the right to be notified of charges, the right to remain silent, the right to counsel, the right to the presence of a parent or guardian, the right to confront and cross-examine witnesses and the right to appeal shall be guaranteed at all stages of proceedings.

Protection of privacy

- The juvenile's right to privacy shall be respected at all stages.

Part II
INVESTIGATION AND PROSECUTION

Initial contact

- Upon the apprehension of a juvenile, parents or guardians shall be notified as soon as possible.
- A judge or other competent official or body shall consider the issue of release without delay.

Diversion

- Consideration shall be given to dealing with juvenile offenders without resort to trial, and any diversion to appropriate community or other services shall require consent of the juvenile or parents.
- Police officers dealing frequently or exclusively with juveniles shall be specially instructed and trained.

Detention pending trial

- Detention pending trial shall be used only as a last resort and for the shortest possible period of time.
- When possible, detention pending trial shall be replaced by alternative measures, such as close supervision or placement with a family.
- Juveniles under detention pending trial shall be kept separate from adults.

- While in custody, juveniles shall receive care, protection and all necessary assistance that they may require in view of their age, sex and personality.

Part III:
ADJUDICATION AND DISPOSITION

Competent authority to adjudicate

- Where the case of a juvenile offender has not been diverted, she or he shall be dealt with by the competent authority according to the principles of a fair trial.
- Judicial proceedings shall be conducted in an atmosphere of understanding, allowing the juvenile free self-expression.

Legal counsel, parents and guardians

- Throughout the proceedings, juveniles shall have the right to be represented by a legal advisor. Parents or guardians shall be entitled to participate, unless their exclusion is required in the best interests of the juvenile concerned.

Social inquiry reports

- Prior to sentencing and final disposition, the background and circumstances of the offender shall be properly investigated.

Guiding principles in adjudication and disposition

- Regarding adjudication and disposition, the reaction taken shall always be in proportion not only to the circumstances and gravity of the offence, but also to the needs and circumstances of the juvenile and society.
- Restrictions on the personal liberty of juveniles shall be imposed only after careful consideration and shall be limited to the minimum. Deprivation of liberty shall not be imposed except in cases of serious acts involving violence against another person or of persistence in committing other serious offenses.
- Capital punishment shall not be imposed for any crime committed by juveniles.

- Juveniles shall not be subjected to corporal punishment.

Various disposition measures

- To provide flexibility so as to avoid institutionalization to the greatest extent possible, a large variety of disposition measures should be made available, including probation, community service, supervision, financial penalties, group counselling, foster care, etc.
- No juvenile shall be removed from parental supervision unless due to necessary circumstances.

Least possible use of institutionalization

- The placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period.

Avoidance of unnecessary delay

- Each case shall be handled expeditiously.

Records

- Records of juvenile offenders shall be kept strictly confidential and shall be limited to duly authorized personnel.
- Records of juveniles offenders shall not be used in adult proceedings in subsequent cases involving the same offender.

Need for professionalism and training

- Professional education, in-service training, refresher courses and other modes of instruction shall be utilized.
- Juvenile justice personnel shall reflect the diversity of juveniles in contact with the justice system. Efforts shall be made to ensure fair representation of women and minorities.

DECLARATION OF BASIC PRINCIPLES OF JUSTICE FOR VICTIMS OF CRIME AND THE ABUSE OF POWER

Approved by the General Assembly 29 November 1985 (resolution 40/34)

- Victims should be treated with compassion and respect for their dignity and are entitled to prompt redress for harm caused.
- Judicial and administrative mechanisms should be established and strengthened to enable victims to obtain redress.
- Victims should be informed of their role and the timing and progress of their cases.
- The views and concerns of victims should be presented and considered at appropriate stages of the process.
- Steps should be taken to minimize delay and inconvenience to victims, ensure their safety and protect their privacy from intimidation and retaliation.
- Offenders should, where appropriate, make restitution to victims or their families or dependents. Where public officials have violated criminal laws, victims should receive restitution from the State.
- When compensation is not fully available from the offender, States should provide compensation to victims or their families in cases of significant physical or mental injury.
- Victims should receive the necessary material, medical, psychological and social assistance through governmental and voluntary means.
- Police, justice, social service and other personnel concerned should receive training to sensitize them to the needs of victims.
- States should consider incorporating into national law norms proscribing abuses of power, including political and economic power. They should also provide remedies to victims of such abuses, including restitution and compensation.

Part IV
NON-INSTITUTIONAL TREATMENT

Provision of needed assistance

- Efforts shall be made to provide necessary assistance such as lodging, education, vocational training and employment to facilitate the rehabilitation process. Help from volunteers shall also be sought.

Part V
INSTITUTIONAL TREATMENT

Objectives of institutional treatment

- Measures shall be taken within institutions for juveniles to provide care, protection, education and vocational skills to assist offenders in assuming constructive and productive roles in society.
- Juveniles in institutions shall be kept separate from adults, and special attention shall be given to young female offenders.
- Conditional release from institutions with appropriate support and assistance shall be used to the greatest extent possible.

Semi-institutional arrangements

- Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes and daytime training centres, to assist juveniles in their reintegration into society.

Part VI
RESEARCH, PLANNING, POLICY FORMULATION AND EVALUATION

Research as a basis for planning, policy formulation and evaluation

- Efforts shall be made to review and appraise periodically the causes and problems of juvenile delinquency and crime and the needs of juveniles in custody.

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